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Statutes of the Province of
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ONTARIO

STATUTES

OF THE

PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD AT TORONTO IN THE

Twentieth Year of the

Reign of Her Majesty

QUEEN ELIZABETH II

Being the Fourth Session of the Twenty-Eighth
Legislature of Ontario

CONVENED ON THE 30TH DAY OF MARCH, 1971

LEGISLATURE DISSOLVED ON THE 13TH DAY OF SEPTEMBER, 1971

HIS HONOUR W. ROSS MACDONALD
LIEUTENANT GOVERNOR

TORONTO

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1971



The statutes of the Province of Ontario passed at the Fourth Session of the Twenty-Eighth Legislature are published in two volumes.

Volume 1 sets out the amendments to the statutes contained in the Revised Statutes of Ontario, 1960, and in subsequent annual volumes, and the new Public and Private Acts passed at that Session.

Volume 2, which is a supplement to the Revised Statutes of Ontario, 1970, sets out the amendments to the statutes contained in the Revised Statutes of Ontario, 1970 and the new Public Acts passed at that Session.

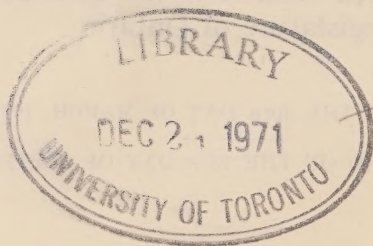


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20 ELIZABETH II

CHAPTER 1

An Act to amend The Farm Products Marketing Act

Assented to April 16th, 1971

Legislature Dissolved September 13th, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Farm Products Marketing Act* is amended by adding thereto the following section: R.S.O. 1970,
c. 162,
amended

15a.—(1) The Board may make regulations vesting in any local board the power to make regulations, Regulations
vesting
power
in local
board to
make
regulations

- (a) providing for the seizure and detention of the whole or any part of any regulated product or any class, variety, grade or size thereof by any person appointed pursuant to clause g of subsection 1 of section 4 where the person believes on reasonable grounds an offence against the Act or the regulations has been committed in respect of the regulated product;
- (b) providing for the release from detention of the whole or any part of any regulated product or any class, variety, grade or size thereof where the local board is satisfied that the owner of the regulated product that has been seized and detained complies with the Act and the regulations respecting the regulated product;
- (c) providing for the disposal of the whole or any part of any regulated product or any class, variety, grade or size thereof that has been seized and detained and providing for the administration and disposition of any moneys derived from any such disposal; and

(d)

(d) prescribing the manner in which the regulated product shall be seized, detained, released and disposed of.

Regulated
product
seized and
detained at
risk and
expense
of owner
Notice

- (2) Any regulated product seized and detained under this section is seized and detained at the risk and expense of the owner.
- (3) Where any regulated product is seized and detained under this section, the local board shall forthwith notify the owner or person who had possession of the regulated product of the seizure and detention, any release from detention and any disposal of the regulated product.

Powers of
inspector

- (4) Where the local board makes a regulation under subsection 1, a person appointed pursuant to clause g of subsection 1 of section 4 may,
 - (a) enter any vessel, boat, car, truck or other conveyance or any premises, other than a dwelling, used for the producing, marketing or processing of the regulated product and inspect any of the regulated product found therein;
 - (b) stop any conveyance that he believes to contain any of the regulated product and inspect the conveyance and any of the regulated product found therein; and
 - (c) obtain a sample of any of the regulated product at the expense of the owner for the purpose of making an inspection thereof.

Marketing of
detained
product
prohibited

- (5) No person shall, without approval in writing by the local board, market a regulated product that is under detention.

Approval
by Board

- (6) No regulation made by a local board under subsection 1 comes into force until it has been approved by the Board.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Farm Products Marketing Amendment Act, 1971*.

CHAPTER 2

An Act to amend The Planning Act

Assented to April 27th, 1971

Legislature Dissolved September 13th, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 29 of *The Planning Act* is amended by adding thereto the following subsection: R.S.O. 1970,
c. 349, s. 29,
amended

- (5a) Where a person conveys land or grants, assigns or exercises a power of appointment with respect to land, or mortgages or charges land, or enters into an agreement of sale and purchase of land, or enters into any agreement that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more by way of simultaneous conveyances of abutting lands or by way of other simultaneous dealings with abutting lands, the person so conveying or otherwise dealing with the lands shall be deemed for the purposes of subsections 2 and 4 to retain, as the case may be, the fee or the equity of redemption in, or the power or right to grant, assign or exercise a power of appointment with respect to, land abutting the land that is being conveyed or otherwise dealt with. Simultaneous
conveyances,
etc., of
abutting
lands

(2) Subsection 6 of the said section 29 is amended by striking out "one year" in the third line and in the fifth line and inserting in lieu thereof in each instance "two years", so that the first seven lines of the subsection shall read as follows: R.S.O. 1970,
c. 349, s. 29,
subs. 6,
amended

- (6) Any consent mentioned in subsection 2 or 4 shall lapse, in the case of a consent given by the Minister, at the expiration of two years after the date upon which the consent was granted, and in the case of a consent given by the committee of adjustment or the

land

land division committee, at the expiration of two years after the date of the certificate given under subsection 20 of section 42, unless within such period,

R.S.O. 1970,
c. 349, s. 30,
amended

2.—(1) Section 30 of *The Planning Act* is amended by adding thereto the following subsection:

Quorum

(3a) Where a land division committee is composed of three members, two members constitute a quorum, and where a committee is composed of more than three members, three members constitute a quorum.

R.S.O. 1970,
c. 349, s. 30,
subs. 4,
amended

(2) Subsection 4 of the said section 30 is amended by striking out "subsections 4 to 12" in the first line and inserting in lieu thereof "subsections 4, 5 and 7 to 12", so that the subsection shall read as follows:

Application
of s. 41,
subs. 4, 5,
7-12,
s. 42,
subs. 3-20,
to committee,
power to
grant
consents

(4) The provisions of subsections 4, 5 and 7 to 12 of section 41 and subsections 3 to 20 of section 42 apply *mutatis mutandis* to the land division committee, but the land division committee does not have jurisdiction to grant consents in respect of land situate in a municipality that has a committee of adjustment constituted prior to the 15th day of June, 1970, or constituted on or after the 15th day of June, 1970, if the municipality has an official plan approved by the Minister, unless the council of such municipality passes a by-law authorizing the land division committee to grant such consents and the time provided for in subsection 5 has elapsed, or unless the committee of adjustment is dissolved.

R.S.O. 1970,
c. 349, s. 33,
amended

3.—(1) Section 33 of *The Planning Act* is amended by adding thereto the following subsection:

Draft
approval
to lapse
after
three
years

(12a) Where the Minister has not given his approval to a final plan for registration within three years after the date upon which approval to the draft plan was given, the approval of the draft plan shall, unless such approval has prior thereto been withdrawn pursuant to subsection 12, thereupon lapse, but the Minister may at any time during such three year period extend the duration of the approval and may from time to time thereafter, prior to the lapsing of the approval, further extend the duration of approval.

(2) Notwithstanding subsection 1, but subject to subsection 12 of section 33 of *The Planning Act*, where the Minister has given his approval to a draft plan of subdivision prior to the day this section comes into force, the approval of the draft plan shall not lapse until the 1st day of July, 1974, but the Minister may at any time prior to that date extend the duration of the approval and may from time to time thereafter, prior to the lapsing of the approval, further extend the duration of approval.

4. Section 41 of *The Planning Act* is amended by adding thereto the following subsection: R.S.O. 1970, c. 349, s. 41, amended

(1a) A by-law passed under subsection 1 does not come into effect until thirty days after a certified copy thereof has been sent to the Minister by registered mail by the clerk of the municipality. When by-law in force

5. Subsection 6 of section 42 of *The Planning Act* is amended by striking out "\$25" in the fourth line and inserting in lieu thereof "\$50". R.S.O. 1970, c. 349, s. 42, subs. 6, amended

6. This Act comes into force on the day following the day it receives Royal Assent. Commencement

7. This Act may be cited as *The Planning Amendment Act*, 1971. Short title

CHAPTER 3

An Act to amend The Wills Act

Assented to May 6th, 1971
Legislature Dissolved September 13th, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 13 of *The Wills Act* is amended by striking out "naval, military or air forces of Canada" in the second line and inserting in lieu thereof "Canadian Armed Forces", so that the subsection shall read as follows:

R.S.O. 1970,
c. 499, s. 13,
subs. 3,
amended

- (3) In this section, "member of the forces" means a member of the Canadian Armed Forces who, having been placed on active service or called out for training, service or duty, is serving in any of such forces.

Interpre-
tation

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Wills Amendment Act, 1971*.

Short title

CHAPTER 4

An Act to amend The County Judges Act*Assented to May 6th, 1971**Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 3 of *The County Judges Act* ^{R.S.O. 1970, c. 95, s. 3, subs. 2, amended} is amended by striking out “each of the counties of Essex and Wentworth” in the second and third lines and inserting in lieu thereof “the County of Essex”, so that the subsection shall read as follows:

(2) Two junior judges may be appointed for the county ^{Idem} court of the Judicial District of Ottawa-Carleton and of the County of Essex.

(2) Subsection 3 of the said section 3 is amended by ^{R.S.O. 1970, c. 95, s. 3, subs. 3, amended} striking out “the county of Middlesex” in the second line and inserting in lieu thereof “each of the counties of Middlesex and Wentworth”, so that the subsection shall read as follows:

(3) Three junior judges may be appointed for the county ^{Idem} court of each of the counties of Middlesex and Wentworth.

2. Subsection 1 of section 4 of *The County Judges Act* ^{R.S.O. 1970, c. 95, s. 4, subs. 1, amended} is amended by striking out “seventeen” in the third line and inserting in lieu thereof “twenty”, so that the subsection shall read as follows:

(1) In addition to the judges mentioned in section 2 ^{Additional judges} and the junior judges mentioned in section 3, one or more judges or junior judges, not exceeding twenty in number, may be appointed,

(a) for the county or district court of any county or district that the Lieutenant Governor in Council designates; or

(b)

(b) for the county and district courts of the counties and districts of Ontario.

R.S.O. 1970,
c. 95, s. 13,
amended

3. Subsections 3, 4, 5 and 6 of section 13 of *The County Judges Act* are repealed and the following substituted therefor:

Fees payable
to court
reporters
R.S.O. 1970,
c. 6

(3) Every court reporter shall be paid such fees as are prescribed under *The Administration of Justice Act*.

Fees retain-
able by
salaried
court
reporters
R.S.O. 1970,
c. 386

(4) Every court reporter who is employed under *The Public Service Act* is entitled to take for his own use fees for transcriptions unless he is expressly prohibited from so doing by the terms of his appointment.

Idem

(5) Where a court reporter is employed under *The Public Service Act* and is by his appointment expressly prohibited from taking for his own use fees for transcriptions, he shall collect the fees for such transcriptions and pay them over to the Treasurer of Ontario.

Fees retain-
able by non-
salaried
court
reporter

(6) A court reporter who is not employed under *The Public Service Act* may retain for his own use the fees payable for his services prescribed under *The Administration of Justice Act*.

Commence-
ment

4.—(1) This Act, except section 3, comes into force on the day it receives Royal Assent.

Idem

(2) Section 3 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short
title

5. This Act may be cited as *The County Judges Amendment Act, 1971*.

CHAPTER 5

An Act to amend The Crown Witnesses Act

Assented to May 6th, 1971

Legislature Dissolved September 13th, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 1, 2 and 3 of *The Crown Witnesses Act* are repealed and the following substituted therefor:

R.S.O. 1970,
c. 103, ss. 1, 2,
re-enacted;
s. 3,
repealed

1. In this Act,

Inter-
pretation

(a) "trial" means any proceeding in a criminal matter in a court or before a justice of the peace or a grand jury, but does not include a proceeding in a matter arising out of a contravention of a by-law of a municipality or local board thereof;

(b) "witness" means a person who attends at the instance of the Crown to give evidence at a trial.

2.—(1) Witnesses attending trials at the instance of the Crown shall be paid such fees and allowances as are prescribed under *The Administration of Justice Act*.

Fees for
Crown
witnesses
R.S.O. 1970,
c. 6

(2) No witness fee or allowance shall be paid under subsection 1 to a member of a police force who attends a trial held in the county or district within which the police force is responsible for policing an area.

Exception

(3) The Crown attorney, with the approval of the Director of Public Prosecutions, may order the payment of such sum in addition to the fees and allowances referred to in subsection 1 as he considers reasonable and sufficient to compensate the witness

Compensa-
tion for
preparatory
work

for

for doing any work in preparation for a trial or preparing any document or article for use at a trial.

Increase of
fees in
special
circum-
stances

- (4) Where the Director of Public Prosecutions is of the opinion that the fees and allowances payable to a witness under subsection 1 are insufficient having regard to special circumstances, he may authorize the payment of such higher fee or allowance as he considers appropriate.

R.S.O. 1970,
c. 103, s. 4,
amended

2. Section 4 of *The Crown Witnesses Act* is amended by striking out "sections 2 and 3 apply" in the second line and inserting in lieu thereof "section 2 applies", so that the section shall read as follows:

Where no
indictment
preferred
or trial
had

4. Where a bill of indictment has not been preferred or where a trial has not been proceeded with, section 2 applies if in the opinion of the Crown attorney a person attended the court in obedience to a recognition or subpoena or at the instance of the Crown.

R.S.O. 1970,
c. 103, Sched.,
repealed

3. The Schedule to *The Crown Witnesses Act* is repealed.

Commence-
ment

4. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short
title

5. This Act may be cited as *The Crown Witnesses Amendment Act, 1971*.

CHAPTER 6

**An Act to amend
The Justices of the Peace Act**

*Assented to May 6th, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 8 and 9 of *The Justices of the Peace Act* are repealed and the following substituted therefor:

R.S.O. 1970,
c. 231, s. 8,
re-enacted;
s. 9,
repealed

8.—(1) Subject to subsections 2 and 3, justices of the peace shall be paid such fees, allowances and expenses as are prescribed under *The Administration of Justice Act*.

Fees

R.S.O. 1970,
c. 6

(2) The Lieutenant Governor in Council may authorize the payment of a salary to a justice of the peace appointed for Ontario or any part thereof and fix the amount of such salary.

Disposition
of fees

(3) Where a justice of the peace is paid a salary under subsection 2, subsection 1 does not apply in respect of fees payable by Ontario and the justice of the peace shall pay all other fees received by him over to the Treasurer of Ontario.

Idem

2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Commence-
ment

3. This Act may be cited as *The Justices of the Peace Amendment Act, 1971*.

Short
title

CHAPTER 7

**An Act to amend
The Municipality of Metropolitan Toronto Act**

*Assented to May 6th, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 2 of *The Municipality of Metropolitan Toronto Act* is repealed. R.S.O. 1970,
c. 295, s. 2,
subs. 3,
repealed

2. Section 204 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsection: R.S.O. 1970,
c. 295,
s. 204,
amended

(1a) In addition to the powers that may be exercised under subsection 1, the Council has power to let from year to year, or for any time not exceeding ten years the right to sell, subject to *The Liquor Licence Act*, and the regulations made thereunder, spirituous, fermented or intoxicating liquors within metropolitan parks under such regulations as the Council may prescribe. Sale of
spirituous,
etc.,
liquors in
parks
R.S.O. 1970,
c. 250

3. *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section: R.S.O. 1970,
c. 295,
amended

242a. The Metropolitan Council may, by a vote of three-fourths of the members of the Council present and voting, expend in any year such sum as it may determine for the purposes set out in section 394 of *The Municipal Act*. Expenses for
entertaining
guests and
for travelling
on civic
business
R.S.O. 1970,
c. 284

4.—(1) The Metropolitan Council may pass by-laws for establishing that part of Yonge Street between the south limit of Albert Street and the north limit of Adelaide Street or any part or parts thereof in the City of Toronto solely or principally as a pedestrian promenade for one seven-day period in the year 1971, and for prohibiting the use thereof by vehicles or any class thereof except to such extent and

for

for such period or periods as may be specified and for permitting the use of the said part of Yonge Street and the obstruction thereof by such persons and in such manner and to such extent as the Metropolitan Council may consider desirable.

Right to
damages
by reason
of creation
of promenade

(2) Notwithstanding the provisions of any general or special Act, no person shall be entitled to recover any damages or compensation from the Metropolitan Corporation or The Corporation of the City of Toronto for loss of business or for loss of access to or from Yonge Street arising from the exercise by the Metropolitan Corporation of its powers under this section.

Commence-
ment

5.—(1) This Act, except section 4, comes into force on the day it receives Royal Assent.

Idem

(2) Section 4 shall be deemed to have come into force on the 3rd day of May, 1971.

Short title

6. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1971*.

CHAPTER 8

**An Act to amend
The Administration of Justice Act**

*Assented to May 14th, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 6 of *The Administration of Justice Act* is amended by striking out "indictable" in the second line, so that the subsection shall read as follows: R.S.O. 1970,
c. 6,
s. 6, subs. 3,
amended

(3) Where the Director of Public Prosecutions is of the opinion that it is advisable to bring a person charged with an offence from a place out of or in Ontario to the place of trial in Ontario, he may direct that such be done and in every such case the expenses incurred in carrying out the direction shall be paid out of the moneys appropriated by the Legislature for the administration of justice. Payment of
expenses of
bringing
accused to
trial

2. Clauses *a* and *b* of section 7 of *The Administration of Justice Act* are repealed and the following substituted therefor: R.S.O. 1970,
c. 6, s. 7,
cls. *a*, *b*,
re-enacted

(*a*) requiring the payment of fees for any thing required or authorized under any Act to be done by any person in the administration of justice and prescribing the amounts thereof;

(*b*) providing for the payment of fees and allowances by Ontario in connection with services under any Act for the administration of justice and prescribing the amounts thereof.

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment

4. This Act may be cited as *The Administration of Justice Amendment Act, 1971*. Short
title

CHAPTER 9

An Act to amend The Jurors Act

Assented to May 14th, 1971
Legislature Dissolved September 13th, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 13 of subsection 1 of section 3 of *The Jurors Act* is amended by inserting after "chemist" in the second line "drugless practitioner, optometrist", so that the paragraph shall read as follows:

R.S.O. 1970,
c. 230, s. 3,
subs. 1, par. 13,
amended

13. Every physician, surgeon, dental surgeon, pharmaceutical chemist, drugless practitioner, optometrist and veterinary surgeon actually practising.

2. Subsection 3 of section 49 of *The Jurors Act* is repealed.

R.S.O. 1970,
c. 230, s. 49,
subs. 3,
repealed

3. Subsection 2 of section 59 of *The Jurors Act* is repealed.

R.S.O. 1970,
c. 230, s. 59,
subs. 2,
repealed

4. Subsection 7 of section 66 of *The Jurors Act* is repealed.

R.S.O. 1970,
c. 230, s. 66,
subs. 7,
repealed

5. Section 83 of *The Jurors Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 230, s. 83,
re-enacted

83. Such fees and allowances as are prescribed under *The Administration of Justice Act* shall be paid to,

Fees payable
to jurors,
selectors,
etc.

(a) every grand juror attending a sitting of the Supreme Court or of the court of general sessions of the peace and every petit juror attending a sitting of the Supreme Court or of the court of general sessions of the peace or of the county court;

R.S.O. 1970,
c. 6

(b) the justice of the peace in attendance for each selection of jurors to be released under section 49 and for each panel drafted under section 59; and

- (c) local and county selectors for the performance of their duties.

Commence-
ment

6. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short
title

7. This Act may be cited as *The Jurors Amendment Act, 1971*.

CHAPTER 10

**An Act to amend
The Summary Convictions Act**

*Assented to May 14th, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Summary Convictions Act* is repealed and the following substituted therefor: R.S.O. 1970,
c. 450, s. 7,
re-enacted

7.—(1) In addition to the procedure set out in the *Criminal Code* (Canada) for laying an information and for issuing a summons, an information may be laid and a summons issued by means of a ticket in accordance with this section for an offence under any provision of an Act or regulation designated by the regulations or of a municipal by-law regulating traffic. Ticket
summons
1953-54,
c. 51 (Can.)

(2) A ticket under this section shall include provision for the information, summons, report and police record. Form of
ticket

(3) The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing the form of the ticket;
- (b) designating offences under provisions of Acts or regulations for the purposes of this section;
- (c) authorizing the use on a ticket of any word or expression to designate an offence under any provision of an Act or regulation designated by the regulations or of a municipal by-law regulating traffic;
- (d) respecting any matter that he considers necessary to provide for the use of the ticket.

Where
payment
out of court

- (4) Where the offence charged in the ticket is one for which the penalty may be paid out of court as determined by the court in which the summons is returnable, the officer issuing the summons may enter the amount of the penalty fixed by the court in the place provided therefor on the ticket, and such entry constitutes the endorsement required by subsection 1 of section 8.

Sufficiency of
abbreviations

- (5) The use on a ticket of any word or expression authorized by the regulations to designate an offence under any provision of an Act or regulation designated by the regulations or of a municipal by-law regulating traffic is sufficient for all purposes to describe the offence designated by such word or expression.

Delivery of
summons

- (6) Upon completing a ticket, the issuing officer shall affix his signature to the summons portion and shall deliver the summons portion to the person charged with an offence therein and delivery of the ticket summons in accordance herewith shall be deemed to be personal service in compliance with subsection 7 of section 6.

Idem

- (7) Delivery of a ticket summons under subsection 6 may be made on a holiday.

Proof of
delivery

- (8) The issuing officer shall sign the information portion of the ticket and certify that he personally delivered the summons portion of the ticket to the person accused therein and the certification shall be in the following words:—

“I certify that I did personally deliver the summons portion of this ticket to the accused on the date mentioned above.”

Idem

- (9) A certificate of delivery purporting to be signed by the issuing officer shall be received in evidence as sufficient proof of personal service in the absence of evidence to the contrary.

Complaint
signed and
sworn

- (10) Every ticket information shall be,
- (a) signed by the informant and sworn to before a justice; and
- (b) deposited, together with the ticket report of conviction, with the proper justice.

- (11) The ticket information need not be sworn to before the summons portion is delivered and the informant need not be the same person as issued the ticket summons. Swearing of information

- (12) Where a justice makes a conviction on a ticket information in respect of an offence under a provision of an Act, regulation or by-law regulating traffic, he shall complete the ticket report of conviction and forward it to the Registrar of Motor Vehicles and it shall be deemed to be compliance with subsection 1 of section 150 of *The Highway Traffic Act*. Report of conviction
R.S.O. 1970,
c. 202

2. Section 8 of *The Summary Convictions Act* is amended by adding thereto the following subsection: R.S.O. 1970,
c. 450, s. 8,
amended

- (3a) The officer or other person delivering the summons endorsed under this section shall not receive payment of the penalty payable out of court, or any part thereof. Payment of penalty

3. *The Summary Convictions Act* is amended by adding thereto the following section: R.S.O. 1970,
c. 450,
amended

- 8a. In addition to its powers set out in subsection 3 of section 710 of the *Criminal Code* (Canada) and notwithstanding subsection 1 thereof, where the defendant does not appear at the time and place appointed for the trial or resumption of the trial, the justice may adjourn the trial to a time and place determined by the justice. Adjournments
1953-54,
c. 51 (Can.)

4.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent. Commencement

- (2) Section 1 comes into force on the 1st day of October, 1971. Idem

5. This Act may be cited as *The Summary Convictions Amendment Act, 1971*. Short title

CHAPTER 11

An Act to amend The Corporations Tax Act

*Assented to May 14th, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. *The Corporations Tax Act* is amended by adding thereto the following section: R.S.O. 1970,
c. 91,
amended

5a.—(1) In this section,

Interpre-
tation

(a) “machinery and equipment” means machinery and equipment prescribed by the regulations, but does not include automobiles and trucks, any property that is described in the corporation’s inventory or that part of any property in respect of which a loan is made under *The Ontario Development Corporation Act* or *The Northern Ontario Development Corporation Act*; R.S.O. 1970,
cc. 308, 299

(b) “net loss” means the amount, if any, by which the business losses exceed the incomes of a corporation for the fiscal years ending between the 26th day of April, 1971, and the 1st day of April, 1973, except that,

(i) where the provisions of subsection 4 apply with respect to the first fiscal year of the corporation ending after the 31st day of March, 1973, in determining the net loss for the purpose of this section there shall be included that portion of the business loss or income for that fiscal year that the number of days in that fiscal year prior to the 1st day of April, 1973, bears to 365, and

(ii)

(ii) where, for the purposes of section 5, part of the taxable income of a corporation for a fiscal year is deemed to have been earned by the corporation in a jurisdiction outside Ontario, or, where a loss is incurred for that fiscal year and, for the purposes of section 6, part of the taxable paid-up capital is deemed to have been used in a jurisdiction outside Ontario, the business loss or income for that fiscal year shall, in determining the net loss for the purpose of this section, be reduced in the same ratio that the tax payable under section 5 or 6, as the case may be, is reduced for that fiscal year;

(c) "tax otherwise payable" means the tax for the fiscal year otherwise payable by the corporation under section 5 after making any deduction applicable under subsection 2 of section 5.

Deduction
allowed

(2) There may be deducted from the tax otherwise payable for a fiscal year by a corporation an amount equal to 5 per cent of the cost of machinery and equipment acquired and used in that fiscal year by the corporation which machinery and equipment is acquired pursuant to an agreement entered into after the 26th day of April, 1971, and which shall be used by the corporation solely in Ontario prior to the 1st day of April, 1973, for the purpose of earning income.

Tax credit
carried
forward

(3) Any amount which may be deducted under subsection 2 may be deducted in subsequent fiscal years to the extent that the deduction allowed under subsection 2 exceeds the tax otherwise payable by the corporation in the previous fiscal years and, except as herein provided, no deduction shall be allowed in any fiscal year of the corporation ending after the 31st day of March, 1973, except that with respect to the first fiscal year of the corporation ending after the 31st day of March, 1973, the amount which may be deducted from the tax otherwise payable for that fiscal year shall not exceed that portion of the tax otherwise payable for that fiscal year that the number of days in that fiscal year prior to the 1st day of April, 1973, bears to 365.

(4)

- (4) Notwithstanding subsection 3, where a corporation ^{Idem} has a net loss, any amount which may be deducted under subsection 2 may be deducted in subsequent fiscal years to the extent that the deduction allowed under subsection 2 exceeds the tax otherwise payable by the corporation in the previous fiscal years and, except as herein provided, no deduction shall be allowed in any fiscal year of the corporation ending after the 31st day of March, 1974, except that with respect to the first fiscal year of the corporation ending after the 31st day of March, 1974 the amount which may be deducted from the tax otherwise payable for that fiscal year shall not exceed the portion of the tax otherwise payable for that fiscal year that the number of days in that fiscal year prior to the 1st day of April, 1974, bears to 365.

2. Clause *a* of subsection 1 of section 23 of *The Corporations Tax Act* is amended by striking out “or” at the end of subclause ii, by adding “or” at the end of subclause iii and by adding thereto the following subclause: ^{R.S.O. 1970, c. 91, s. 23, subs. 1, cl. a, amended}

- (iv) borrowed money used for the purpose of purchasing shares of a corporation,

3. Subsection 2 of section 21 of *The Corporations Tax Amendment Act, 1970* is repealed and the following substituted therefor: ^{1970, c. 69, s. 21, subs. 2, re-enacted}

- (2) Subsection 1 of section 1, subsection 1 of section 2, ^{Idem} sections 6, 10, 11 and 12, subsection 2 of section 16 and section 17 apply with respect to the 1969 and subsequent fiscal years.

4. This Act shall be deemed to have come into force on the 26th day of April, 1971. ^{Commencement}

5. This Act may be cited as *The Corporations Tax Amendment Act, 1971*. ^{Short title}

CHAPTER 12

An Act to amend The Expropriations Act

*Assented to May 14th, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Expropriations Act* is amended by adding thereto the following subsection:

R.S.O. 1970,
c. 154, s. 5,
amended

(1a) For the purposes of clause *b* of subsection 1, the Metropolitan Toronto School Board shall be deemed to be an elected school board.

Idem,
Metropolitan
Toronto
School
Board

2. Section 33 of *The Expropriations Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 154, s. 33,
re-enacted

33.—(1) Where the amount to which an owner is entitled upon an expropriation or claim for injurious affection is determined by the Board and the amount awarded by the Board is 85 per cent, or more, of the amount offered by the statutory authority, the Board shall make an order directing the statutory authority to pay the reasonable legal, appraisal and other costs actually incurred by the owner for the purposes of determining the compensation payable, and may fix the costs in a lump sum or may order that the determination of the amount of such costs be referred to a taxing officer of the Supreme Court who shall tax and allow the costs in accordance with this subsection and the tariffs and rules prescribed under clause *d* of section 45.

Costs

(2) Where the amount to which an owner is entitled upon an expropriation or claim for injurious affection is determined by the Board and the amount awarded by the Board is less than 85 per cent of the amount offered by the statutory authority, the Board may make such order, if any, for the payment of costs as it considers appropriate, and may fix the costs in a

Idem

lump

lump sum or may order that the determination of the amount of such costs be referred to a taxing officer of the Supreme Court who shall tax and allow the costs in accordance with the order and the tariffs and rules prescribed under clause *d* of section 45 in like manner to the taxation of costs awarded on a party and party basis.

R.S.O. 1970,
c. 154, s. 45,
amended

3. Section 45 of *The Expropriations Act* is amended by adding thereto the following clause:

(*d*) prescribing tariffs of costs and rules to be applied by taxing officers for the purposes of section 33.

R.S.O. 1970,
c. 154, s. 46,
amended

4. Section 46 of *The Expropriations Act* is amended by adding thereto the following subsections:

Jurisdiction
of tribunals

(2) Notwithstanding subsection 1, on and after the 1st day of December, 1970 the Land Compensation Board appointed under section 28 has jurisdiction, and on and after the 1st day of April, 1971 has sole jurisdiction, to determine compensation by arbitration in respect of every expropriation whether commenced under this or any other Act, except that where a tribunal under this or any other Act has heard any evidence in a proceeding to determine compensation by arbitration, such tribunal retains jurisdiction for the purpose of completing the proceedings and for the purpose of dealing with matters referred to it under clause *a* of subsection 3 of section 32.

Transmission
of material

(3) Where a notice of arbitration or an application for arbitration under this or any other Act was filed before the 1st day of April, 1971 with a tribunal other than the Land Compensation Board and no evidence has been heard in respect of the arbitration, the notice or application and any documents relating thereto shall be deemed to have been filed with the Land Compensation Board.

Commence-
ment

5. This Act shall be deemed to have come into force on the 1st day of April, 1971.

Short title

6. This Act may be cited as *The Expropriations Amendment Act, 1971*.

CHAPTER 13

**An Act to amalgamate
the Department of Highways and
the Department of Transport**

Assented to May 28th, 1971

Legislature Dissolved September 13th, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Department" means the Department of Transportation and Communications;
- (b) "Minister" means the Minister of Transportation and Communications.

2.—(1) The departments of the public service heretofore known as the Department of Highways and as the Department of Transport are amalgamated and continued as a department of the public service under the name of the Department of Transportation and Communications.

Depart-
ments
amal-
gamated

(2) The Minister shall preside over and have charge of the Department.

Minister to
have charge

(3) Such officers, clerks and servants may be appointed under *The Public Service Act* as are required from time to time for the proper conduct of the business of the Department.

Staff
R.S.O. 1970,
c. 386

3. The Minister is responsible for the administration of this Act and any other Acts that are assigned to him by the provisions thereof or by the Lieutenant Governor in Council.

Duties of
Minister

4. The Minister, with the approval of the Lieutenant Governor in Council, may delegate any of the powers relating to the operation of the Department conferred upon him by or under this or any other Act to any official of the Department designated by the Minister.

Delegation
of powers

References
to Minister,
etc.

5. Any mention of or reference to the Minister or Deputy Minister of Highways or the Minister or Deputy Minister of Transport or to the Department of Highways or the Department of Transport in any Act or regulation shall be deemed to be a mention of or reference to the Minister or Deputy Minister of Transportation and Communications or the Department of Transportation and Communications, as the case may be.

Application
to existing
proceedings

6. Where the Minister of Highways or the Minister of Transport is a party to any action or proceeding before any court, board or other tribunal, the Minister of Transportation and Communications shall, for the purposes of such action or proceeding, be deemed to be the party in the place of the Minister of Highways or the Minister of Transport, as the case may be.

Enforce-
ment of
contracts

7. Contracts respecting any work or property under the control of the Department that are entered into by the Minister or by any other person duly authorized to enter into them enure to the benefit of the Crown and may be enforced as if entered into with the Crown

Possession
of maps,
etc., relat-
ing to
highways

8. The Minister may require a person having possession of a map, plan, specification, estimate, report or other paper, book, drawing, instrument, model, contract, document, record or thing relating to a work under the control of the Department, and not being private property, to deliver it without delay to the Department.

Provincial
agreements
re licensing
and fees of
commercial
motor
vehicles,
etc.

9.—(1) The Minister, with the approval of the Lieutenant Governor in Council, may make reciprocal arrangements and enter into agreements with the government or governments of any province or provinces of Canada,

- (a) providing for the licensing of public commercial vehicles and public vehicles, for the registration of commercial motor vehicles and trailers, and for exemptions from such licensing and registration;
- (b) prescribing the fees to be paid therefor and providing for the payment and apportionment of such fees; and
- (c) providing for such other related matters as are considered necessary.

Acts subject
to
agreement
R.S.O. 1970,
cc. 202,
375, 392

(2) The provisions of *The Highway Traffic Act*, *The Public Commercial Vehicles Act* and *The Public Vehicles Act* and regulations made thereunder, with respect to licensing and registration of vehicles, are subject to any agreement entered into under this section.

(3) A public commercial vehicle licence issued for a commercial motor vehicle or trailer by a province with which an agreement has been entered into under this section with respect to such a licence shall be deemed for the purposes of *The Public Commercial Vehicles Act* to be a public commercial vehicle licence under that Act. Public commercial vehicles
R.S.O. 1970, c. 375

(4) A public vehicle licence issued for a public vehicle by a province with which an agreement has been entered into under this section with respect to such a licence shall be deemed for the purposes of *The Public Vehicles Act* to be a public vehicle licence under that Act. Public vehicles
R.S.O. 1970, c. 392

(5) A permit for the registration of a commercial motor vehicle or trailer issued by a province with which an agreement has been entered into under this section with respect to such a permit shall be deemed for the purposes of *The Highway Traffic Act* to be a permit for the registration of such vehicle under that Act. Commercial motor vehicles
R.S.O. 1970, c. 202

(6) Where a licence or permit issued by a province with which an agreement has been entered into under this section is deemed for the purposes of any Act of the Legislature to be a licence or permit under such Act, the provisions of such Act with respect to suspension or cancellation of such a licence or permit apply in so far as the licence or permit is effective in Ontario. Suspension of licences or permits

(7) Any arrangement or agreement made or entered into under section 6 of *The Department of Transport Act* that is in effect on the day this Act comes into force shall be deemed to be an arrangement or agreement made or entered into under this section. Arrangement, etc., made under
R.S.O. 1960, c. 102

10. The Minister after the close of each year shall submit to the Lieutenant Governor in Council an annual report upon the affairs of the Department and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. Annual Report

11. *The Department of Highways Act* and *The Department of Transport Act* are repealed. Repeal
R.S.O. 1970, cc. 115, 124

12. This Act comes into force on the day it receives Royal Assent. Commencement

13. This Act may be cited as *The Department of Transportation and Communications Act, 1971*. Short title

CHAPTER 14

**An Act to amend
The Mining Tax Act**

*Assented to May 28th, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Mining Tax Act* is amended by adding at the end thereof “and Northern Affairs”. R.S.O. 1970,
c. 275, s. 1,
cl. *a*,
amended

(2) Clause *b* of the said section 1 is amended by adding at the end thereof “and Northern Affairs”. R.S.O. 1970,
c. 275, s. 1,
cl. *b*,
amended

(3) Clause *g* of the said section 1 is amended by adding at the end thereof “and Northern Affairs”. R.S.O. 1970,
c. 275, s. 1,
cl. *g*,
amended

(4) Clause *i* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1970,
c. 275, s. 1,
cl. *i*,
re-enacted

- (i) “output”, when used in reference to a mine, means all mineral substances raised, taken or gained from any mine or land in Ontario which have been sold, or have been incorporated in a manufacturing process, or have been treated or partially treated at any mill, smelter or refinery on or off the mining premises from which they were taken, and the product thereof has been sold.

(5) Clause *k* of the said section 1 is amended by striking out “and in the case of an individual, partnership, syndicate or corporation engaged in the production of natural gas, calendar year” in the fourth, fifth and sixth lines, so that the clause shall read as follows: R.S.O. 1970,
c. 275, s. 1,
cl. *k*,
amended

- (*k*) “taxation year” means, in the case of a mining corporation, fiscal year, and in the case of an individual, partnership or syndicate engaged in mining operations, calendar year.

R.S.O. 1970,
c. 275, s. 2,
subs. 1,
re-enacted

2.—(1) Subsection 1 of section 2 of *The Mining Tax Act* is repealed and the following substituted therefor:

When taxes
accrue and
when payable

- (1) The taxes imposed under this Act accrue on the last day of the taxation year and the estimated amount thereof is payable to the Minister and must be in the hands of the Department not later than two months following the close of the taxation year.

R.S.O. 1970,
c. 275, s. 2,
subs. 2,
amended

(2) Subsection 2 of the said section 2 is amended by striking out "or section 19, as the case may be" in the third and fourth lines, so that the subsection shall read as follows:

Payment of
balance

- (2) Every person liable to pay a tax under this Act shall pay the amount, if any, by which any tax payable as estimated by him to be payable in the return required to be delivered by section 6 exceeds the amount paid under subsection 1, at the time of making such return.

R.S.O. 1970,
c. 275, Pt. II
(ss. 15-22)
repealed

3.—(1) Part II of *The Mining Tax Act* is repealed.

Saving

(2) Notwithstanding the repeal of Part II of *The Mining Tax Act*, as enacted by subsection 1, the provisions of *The Mining Tax Act*, as they existed immediately prior to the day this section comes into force, continue to apply in respect of the assessment and collection of taxes on natural gas accruing due for the 1969 taxation year.

R.S.O. 1970,
c. 275, s. 23,
subss. 1, 2,
re-enacted

4. Subsections 1 and 2 of section 23 of *The Mining Tax Act* are repealed and the following substituted therefor:

Interest on
unpaid tax

- (1) Where the amount of tax paid under subsection 1 of section 2 is less than the amount payable as shown in the notice of assessment issued under subsection 1 of section 11, the person liable to pay the tax shall pay interest, at such rate per annum as is established by the Lieutenant Governor in Council, on any outstanding balance of tax, from the date set out under subsection 1 of section 2 to the date such balance is paid, provided such interest charge shall be suspended for the period from the date that all information, as required by the mine assessor so that he may complete the assessment, has been submitted to him in writing, to the date one month following the mailing of the notice of assessment.

- (1a) If any such balance is not in the hands of the ^{Penalty} Department within one month of the mailing of the notice of assessment, a penalty as provided for under subsection 3 shall be added to the amount of tax outstanding, and the person liable to pay the tax shall pay such interest on that amount from the date one month following the mailing of the notice of assessment to the date final payment is in the hands of the Department.
- (2) Where the amount of tax paid under sections 2, 6 and ^{Interest on overpayment of tax} 11 is more than the amount shown on the notice of assessment issued under subsection 1 of section 11 or more than the amount finally determined where an appeal is taken under section 10, interest at such rate per annum as is established by the Lieutenant Governor in Council shall be paid to the person liable for such tax from the date that all information as required by the mine assessor so that he may complete the assessment has been submitted to him in writing, or from the date payment of any additional tax as required by the notice of assessment referred to herein is made, to the date the amount of the tax has been assessed under section 11 or has been determined under section 10, as the case may be.

5. Section 24 of *The Mining Tax Act* is amended by ^{R.S.O. 1970, c. 275, s. 24, amended} striking out "or to furnish a statement under section 19" in the second line, by striking out "or furnish the statement, as the case may be" in the third and fourth lines and by striking out "\$20" in the fourth line and inserting in lieu thereof "\$50", so that the section shall read as follows:

24. Every person who is required to deliver a return ^{Penalty for failure to comply with s. 6} under section 6 shall, in case of failure to deliver the return, incur a penalty of \$50 per day for each day during which the default continues, which penalty shall be added to and become part of the tax payable under this Act, and every such person is also liable to pay a tax of double the amount otherwise payable, and any such penalty and double tax shall be recovered from any person liable therefor in an action brought in the name of the Minister to be tried by a judge without a jury.

6. Section 25 of *The Mining Tax Act* is repealed.

R.S.O. 1970,
c. 275, s. 25,
repealed

R.S.O. 1970,
c. 275, s. 26,
amended

7. Section 26 of *The Mining Tax Act* is amended by striking out "the gas well or wells and" in the third line and by striking out "or gas well or wells" in the fifth line, so that the section shall read as follows:

Special lien
and priority
of the tax

26. All taxes, double taxes, added percentages, penalties and costs payable under this Act are a special lien on the mine and upon the leases of and rights respecting the same and upon all machinery upon or connected with the mine in priority to every claim, privilege, lien or encumbrance of any person, whether the right or title of such person has accrued before or accrues after the attaching of such lien, and its priority shall not be lost or impaired by any neglect, omission or error of any official, officer or person, or by want of registration, and such lien may be realized by action for sale of any or all property, leases and rights subject to such lien.

R.S.O. 1970,
c. 275, s. 27,
amended

8. Section 27 of *The Mining Tax Act* is amended by striking out "or well" in the fourth and fifth lines, so that the section shall read as follows:

Action to
recover tax

27. If any tax imposed under this Act is not paid when due, the same, together with all additions of percentage, double tax, penalties and costs payable under this Act, may be recovered from the owner, lessee, tenant, occupier or operator of the mine by an action at the suit of the Minister in any court of competent jurisdiction, together with the costs of the action.

R.S.O. 1970,
c. 275, s. 28,
subs. 1,
amended

9.—(1) Subsection 1 of section 28 of *The Mining Tax Act* is amended by striking out "or natural gas, or to prevent or restrict mining operations or the production or waste of natural gas, or to provide for such operations or production upon such terms and conditions as seem proper" in the eleventh, twelfth, thirteenth and fourteenth lines and inserting in lieu thereof "or to prevent or restrict mining operations or to provide for such operations upon such terms and conditions as seem proper", so that the subsection shall read as follows:

Injunction
or receiver

(1) In addition to any other remedy for the recovery of any tax imposed under this Act, an injunction or an order in the nature of an injunction or the appointment of a receiver with all necessary powers, or such other relief or remedy as seems necessary or expedient for securing payment of the tax, may, in any case where any tax under this Act is overdue

or where the payment of any accrued or future tax seems endangered, be obtained in the Supreme Court or county or district court at the instance and in the name of the Minister to prevent the removal, transportation or transmission of any ore, mineral or mineral-bearing substance, or to prevent or restrict mining operations or to provide for such operations upon such terms and conditions as seem proper.

(2) Subsection 2 of the said section 28 is repealed.

R.S.O. 1970,
c. 275, s. 28,
subs. 2,
repealed

10. Section 31 of *The Mining Tax Act* is amended by striking out "with intent to deceive" in the seventh and eighth lines and by striking out "\$200" in the ninth line and inserting in lieu thereof "not more than \$2,000", so that the section shall read as follows:

R.S.O. 1970,
c. 275, s. 31,
amended

31. Every person knowingly making or signing any false statement or furnishing any false or incorrect information to the Department or a mine assessor or giving any other false or incorrect information to any officer or person in respect to any other matter or thing required under this Act, or keeping or causing to be kept any false or incorrect book or accounts regarding anything required under this Act is, in addition to any other liability, guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000.

Offence, false
information

11. Section 32 of *The Mining Tax Act* is amended by striking out "\$50" in the fifth line and inserting in lieu thereof "\$1,000", so that the section shall read as follows:

R.S.O. 1970,
c. 275, s. 32,
amended

32. Every person contravening section 5 and every person contravening section 9 by communicating or disclosing any information contrary to the provisions thereof is guilty of an offence and on summary conviction is liable to a fine of \$1,000.

Offence,
disclosing
information,
etc.

12. *The Mining Tax Act* is amended by adding thereto the following section:

R.S.O. 1970,
c. 275,
amended

33. The Lieutenant Governor in Council may make regulations prescribing rates of interest for the purposes of this Act.

Regula-
tions

13. Subsections 1 and 2 of section 23 of *The Mining Tax Act*, as re-enacted by section 4, apply with respect to taxation years ending in 1971 and subsequent taxation years.

Application
of Act
R.S.O. 1970,
c. 275

Commence-
ment

14.—(1) This Act, except section 3, comes into force on the day it receives Royal Assent.

Idem

(2) Section 3 shall be deemed to have come into force on the 1st day of January, 1970.

Short title

15. This Act may be cited as *The Mining Tax Amendment Act, 1971*.

CHAPTER 15

An Act to amend The Succession Duty Act

*Assented to May 28th, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Clause *h* of subsection 1 of section 5 of *The Succession Duty Act* is repealed and the following substituted therefor: R.S.O. 1970,
c. 449, s. 5,
subs. 1,
cl. *h*,
re-enacted

(*h*) any non-commutable annuity, income or periodic payment effected in any manner other than by will or testamentary instrument and paid for by the deceased during his lifetime, and paid to or enjoyed by the spouse or dependent father or mother or any dependent brother, sister or child of the deceased after the death of the deceased, to the extent of \$10,000 per annum in the aggregate.

2.—(1) Clauses *a*, *b*, *aa* and *bb* of subsection 1 of section 7 of *The Succession Duty Act* are repealed. R.S.O. 1970,
c. 449, s. 7,
subs. 1, cls. *a*,
b, *aa*, *bb*,
repealed

(2) Subsection 7 of the said section 7 is amended by striking out “of 15 per cent of the amount ascertained according to subsection 1” in the first and second lines, so that the subsection shall read as follows: R.S.O. 1970,
c. 449, s. 7,
subs. 7,
amended

(7) A surtax of 20 per cent of the amount ascertained according to subsection 5 and of 25 per cent of the amount ascertained according to subsection 6, shall be levied, added to and paid with such respective amounts as duty. Surtax

(3) Subclause *i* of clause *c* of subsection 8 of the said section 7 is amended by striking out “\$50,000” in the second line and inserting in lieu thereof “\$100,000”, so that the subclause shall read as follows: R.S.O. 1970,
c. 449, s. 7,
subs. 8, cl. *c*,
subcl. *i*,
amended

- (i) multiplying the amount by which the aggregate value exceeds \$100,000 by the sum of the amount of the value of such property so passing to him and of such dispositions made to him, and

R.S.O. 1970,
c. 449, s. 7,
subs. 11, cl. b,
subcl. i,
amended

(4) Subclause i of clause b of subsection 11 of the said section 7 is amended by striking out "\$125,000" in the second line and inserting in lieu thereof "\$250,000", so that the subclause shall read as follows:

- (i) where the deceased is survived by a spouse and no dependent children, \$250,000.

R.S.O. 1970,
c. 449, s. 7,
subs. 11, cl. b,
subcl. ii,
amended

(5) Subclause ii of clause b of subsection 11 of the said section 7 is amended by striking out "\$125,000" in the third line and inserting in lieu thereof "\$250,000", so that the subclause shall read as follows:

- (ii) where the deceased is survived by a spouse and a dependent child or children, an amount equal to the sum of \$250,000 and \$15,000 for each dependent child.

R.S.O. 1970,
c. 449, s. 7,
subs. 11, cl. f,
subcl. i,
amended

(6) Subclause i of clause f of subsection 11 of the said section 7 is amended by striking out "\$125,000" and inserting in lieu thereof "\$250,000", so that the subclause shall read as follows:

- (i) in the case of the spouse of the deceased, \$250,000.

R.S.O. 1970,
c. 449, s. 7,
subs. 11, cl. g,
re-enacted

(7) Clause g of subsection 11 of the said section 7 is repealed and the following substituted therefor:

- (g) "individual dependant reduction" means, in the case of a dependant, the amount obtained by applying to the amount of his individual dependant allowance the rates applicable under subsection 1 to the amounts equal to the amount of his individual dependant allowance, provided that, where the dependant's individual dependant allowance is less than \$100,000, the rate to be applied to his individual dependant allowance shall be 5 per cent.

Commence-
ment

- 3. This Act shall be deemed to have come into force on the 27th day of April, 1971.

Short title

- 4. This Act may be cited as *The Succession Duty Amendment Act, 1971*.

CHAPTER 16

An Act to amend The Provincial Parks Act

*Assented to May 28th, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Provincial Parks Act* is amended by adding thereto the following section:

R.S.O. 1970,
c. 371,
amended

15a.—(1) In this section, “road” includes a trail.

Interpre-
tation

(2) The district forester or superintendent in charge of a provincial park may erect at the entrance to the provincial park or at the intersection of any roads therein a stop sign conforming with the regulations under *The Highway Traffic Act*.

Stop
signs

R.S.O. 1970,
c. 202

(3) The driver or operator of a vehicle, upon approaching a stop sign at the entrance to a provincial park, shall bring the vehicle to a full stop at a clearly marked stop line or, if none, then immediately before proceeding past the stop sign.

Stop at
entrances

(4) The driver or operator of a vehicle,

Stop at
through
road

(a) upon approaching a stop sign at an intersection in a provincial park, shall bring the vehicle to a full stop at a clearly marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before entering the intersection; and

(b) upon entering the intersection, shall yield the right of way to traffic in the intersection or approaching the intersection on another road so closely that it constitutes an immediate hazard and having so yielded the right of way may proceed with caution and the traffic approaching the intersection on another road shall yield the right of way to the vehicle so proceeding in the intersection.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Provincial Parks Amendment Act, 1971*.

CHAPTER 17

An Act to amend The Forestry Act

*Assented to May 28th, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Forestry Act* is amended by adding thereto the following subsection: R.S.O. 1970,
c. 181, s. 2,
amended

(1a) Every agreement heretofore or hereafter entered into under subsection 1 may provide for entry into supplementary agreements and, notwithstanding subsection 1, any supplementary agreement heretofore or hereafter entered into may be for a term not exceeding the unexpired term of the agreement being supplemented. Supple-
mentary
agreements

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Forestry Amendment Act, 1971*. Short title

CHAPTER 18

**An Act to amend
The Gananoque Lands Act, 1961-62**

*Assented to May 28th, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Gananoque Lands Act, 1961-62* is amended by adding thereto the following section: <sup>1961-62,
c. 49,
amended</sup>

3a. The Minister of Lands and Forests may dispose of any ^{Idem} part of the lands described in the Schedule hereto that is not granted under section 2 or 3 before this section comes into force for such consideration and subject to such terms and conditions as he may determine.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Gananoque Lands Amend-* ^{Short title} *ment Act, 1971.*

CHAPTER 19

An Act to amend The Fish Inspection Act

*Assented to May 28th, 1971**Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Fish Inspection Act* R.S.O. 1970, c. 174, s. 1, cl. *a*, re-enacted is repealed and the following substituted therefor:

(a) “container” means any type of receptacle, package, wrapper or confining band used in holding, storing, packing or marketing fish.

(2) Clause *d* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1970, c. 174, s. 1, cl. *d*, re-enacted

(d) “inspector” means a person appointed by the Minister as an inspector under this Act or a person declared to be an inspector, *ex-officio*, under this Act and includes a conservation officer appointed under section 7 of *The Game and Fish Act*.

R.S.O. 1970, c. 186

(3) Clause *g* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1970, c. 174, s. 1, cl. *g*, re-enacted

(g) “processing” includes cleaning, filleting, icing, packing, canning, freezing, smoking, salting, cooking, pickling, drying or preparing fish for market in any other way.

2. Subsection 1 of section 7 of *The Fish Inspection Act* R.S.O. 1970, c. 174, s. 7, subs. 1, re-enacted is repealed and the following substituted therefor:

(1) No person shall sell, offer for sale, or hold in possession for sale, any fish intended for human consumption that is tainted, decomposed or unwholesome. Fish for sale to be fit for human consumption

R.S.O. 1970,
c. 174, s. 14,
subs. 1,
amended

3.—(1) Subsection 1 of section 14 of *The Fish Inspection Act* is amended by adding thereto the following clause:

(ba) defining for the purposes of section 7, the expressions “tainted”, “decomposed” and “unwholesome”.

R.S.O. 1970,
c. 174, s. 14,
subs. 1, cl. f,
re-enacted

(2) Clause *f* of subsection 1 of the said section 14 is repealed and the following substituted therefor:

(f) requiring and governing the issue, form, renewal, transfer, refusal and cancellation of licences for establishments and persons handling, processing, storing, grading, transporting or marketing fish, prescribing their duration, territorial limitations and terms and conditions and exempting classes of establishments and persons.

R.S.O. 1970,
c. 174, s. 14,
subs. 1, cl. h,
re-enacted

(3) Clause *h* of subsection 1 of the said section 14 is repealed and the following substituted therefor:

(h) governing the requirements for the equipment and sanitary operation of establishments, and of vehicles used in connection with an establishment or in connection with fishing or the marketing of fish.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Fish Inspection Amendment Act, 1971*.

CHAPTER 20

An Act to amend The Wages Act*Assented to May 28th, 1971**Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 7 of *The Wages Act* is amended by striking out “and provided further that this section applies only where the amount of such exemption exceeds the sum of \$2.50 for each working day represented by the wages seized or attached and that a portion of such debtor’s wages not exceeding the sum of \$2.50 for each working day represented by the wages seized or attached is in all cases exempt from seizure or attachment” in the twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth and eighteenth lines, so that the subsection shall read as follows:

R.S.O. 1970,
c. 486, s. 7,
subs. 1,
amended

- (1) Seventy per cent of any debt due or accruing due to any mechanic, workman, labourer, servant, clerk or employee for or in respect of his wages is exempt from seizure or attachment, provided that if a creditor of any such mechanic, workman, labourer, servant, clerk or employee, who has initiated proceedings by way of seizure or attachment of the wages of any such mechanic, workman, labourer, servant, clerk or employee, desires to contend that having regard to the nature of the debt and the circumstances of the debtor, it is unreasonable that as much as 70 per cent of such debtor’s wages should be exempt, the judge may in any particular case, upon a hearing of the matter, reduce such percentage of exemption.

Extent of
exemption
from seizure
or attach-
ment

- (2) Subsection 2 of the said section 7 is repealed.

R.S.O. 1970,
c. 486, s. 7,
subs. 2,
repealed

- (3) Subsection 6 of the said section 7 is amended by inserting after “debt” in the second line “whether heretofore or hereafter given”, so that the subsection shall read as follows:

R.S.O. 1970,
c. 486, s. 7,
subs. 6,
amended

Wage
assignments

(6) Subject to subsection 7, an assignment of wages or any portion thereof to secure payment of a debt whether heretofore or hereafter given is invalid.

1968, c. 142,
s. 2, repealed

2. Section 2 of *The Wages Amendment Act, 1968* is repealed.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Wages Amendment Act, 1971*.

CHAPTER 21

**An Act to amend
The Used Car Dealers Act**

*Assented to May 28th, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The title of *The Used Car Dealers Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 475,
long title,
re-enacted

The Motor Vehicle Dealers Act

2.—(1) Section 1 of *The Used Car Dealers Act* is amended by adding thereto the following clauses:

R.S.O. 1970,
c. 475, s. 1,
amended

(ca) “motor vehicle” means an automobile, truck or other vehicle propelled or driven otherwise than by muscular power, including a motorcycle, but not including a motorized snow vehicle or a farm tractor or other self-propelled machinery primarily intended for farming or construction purposes;

(cb) “motor vehicle dealer” means a person who carries on the business of buying or selling motor vehicles, whether for his own account or the account of any other person, or who holds himself out as carrying on the business of buying or selling motor vehicles.

(2) Clauses *f*, *h*, *j* and *k* of the said section 1 are repealed and the following substituted therefor:

R.S.O. 1970,
c. 475, s. 1,
cls. *f*, *h*,
re-enacted;
cls. *j*, *k*,
repealed

(f) “Registrar” means the Registrar of Motor Vehicle Dealers and Salesmen;

(h) “salesman” means a person employed, appointed or authorized by a dealer to buy or sell motor vehicles on the dealer’s behalf.

R.S.O. 1970,
c. 475, s. 2,
subs. 1,
re-enacted

3. Subsection 1 of section 2 of *The Used Car Dealers Act* is repealed and the following substituted therefor:

Registrar

- (1) There shall be a Registrar of Motor Vehicle Dealers and Salesmen who shall be appointed by the Lieutenant Governor in Council.

Amendment
of references
to "used
car", "used
car dealer"
or "used car
salesman"

4. *The Used Car Dealers Act* is amended by striking out "used car", "used car dealer" and "used car salesman", and their plural forms, wherever they occur and inserting in lieu thereof in each instance "motor vehicle", "motor vehicle dealer" or "motor vehicle salesman" or its plural form, respectively.

Amendment
of references
to *The Used
Car Dealers
Act*

5. Unless the context otherwise requires, a reference to *The Used Car Dealers Act, 1964*, *The Used Car Dealers Act, 1968-69* or *The Used Car Dealers Act* in any statute, regulation or document shall be deemed to be a reference to *The Motor Vehicle Dealers Act*.

Commence-
ment

6. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

7. This Act may be cited as *The Used Car Dealers Amendment Act, 1971*.

CHAPTER 22

**An Act to amend
The Income Tax Act***Assented to May 28th, 1971**Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *f* of subsection 3 of section 3 of *The Income Tax Act* is repealed and the following substituted therefor: R.S.O. 1970,
c. 217, s. 3,
subs. 3,
cl. *f*,
re-enacted

(*f*) 28 per cent in respect of the 1967, 1968, 1969, 1970, 1971 and 1972 taxation years.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Income Tax Amendment Act, 1971*. Short title

CHAPTER 23

An Act to amend The Crown Timber Act

*Assented to June 17th, 1971**Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Crown Timber Act* is repealed and the following substituted therefor: R.S.O. 1970,
c. 102, s. 4,
re-enacted

4. The Minister, with the approval of the Lieutenant Governor in Council, may designate any public lands and other lands on which trees are vested in Her Majesty in right of Ontario as a Crown management unit and enter into agreement with any person for the supply of Crown timber to such person from such unit for such term of years and in such manner as they agree upon. Crown
management
units

2. *The Crown Timber Act* is amended by adding thereto the following section: R.S.O. 1970,
c. 102,
amended

15a.—(1) The Minister, by written notice containing such provisions as he considers proper, may direct a licensee to offer to the owner or operator of the mill specified therein the first opportunity to purchase the kind or class of timber produced from time to time by the licensee. Supplying
mills with
timber

(2) The Minister may by written notice amend, vary or revoke any notice issued pursuant to subsection 1. Amendment
of notice

3. Subsection 1 of section 46 of *The Crown Timber Act* is amended by adding thereto the following clause: R.S.O. 1970,
c. 102, s. 46,
subs. 1,
amended

(k) fails to comply with a written notice issued under section 15a is liable to a penalty of not less than \$25 and not more than \$1,000 for the first failure

to comply and not less than \$50 and not more than \$5,000 for each subsequent failure to comply.

R.S.O. 1970,
c. 102,
amended

4. *The Crown Timber Act* is amended by adding thereto the following section :

Regulations
may be
limited

52. Any regulation may be limited territorially or as to time or otherwise.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Crown Timber Amendment Act, 1971*.

CHAPTER 24

An Act to amend The Consumer Protection Act

*Assented to June 17th, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) *The Consumer Protection Act* is amended by adding thereto the following section: R.S.O. 1970,
c. 82,
amended

42 a.—(1) The assignee of any rights of a lender has no greater rights than and is subject to the same obligations, liabilities and duties as the assignor, and the provisions of this Act apply equally to such assignee. Obligations
of assignee
of lender

(2) Notwithstanding subsection 1, a borrower shall not recover from, or be entitled to set off against, an assignee of the lender an amount greater than the balance owing on the contract at the time of the assignment, and, if there have been two or more assignments, the borrower shall not recover from an assignee who no longer holds the benefit of the contract an amount that exceeds the payments made by the borrower to that assignee. Idem

(2) Subsection 1 applies to assignments made after this section comes into force. Application

2.—(1) *The Consumer Protection Act* is amended by adding thereto the following section: R.S.O. 1970,
c. 82,
amended

44 a.—(1) In this section, “consumer sale” means a contract for the sale of goods made in the ordinary course of business to a purchaser for his consumption or use, but does not include a sale, “Consumer
sale”
defined

(a) to a purchaser for resale;

(b) to a purchaser whose purchase is in the course of carrying on business;

(c)

(c) to an association of individuals, a partnership or a corporation;

(d) by a trustee in bankruptcy, a receiver, a liquidator or a person acting under the order of a court.

Implied
warranties
R.S.O. 1970,
c. 421

(2) The implied conditions and warranties applying to the sale of goods by virtue of *The Sale of Goods Act* apply to goods sold by a consumer sale and any written term or acknowledgement, whether part of the contract of sale or not, that purports to negative or vary any of such implied conditions and warranties is void and, if a term of a contract, is severable therefrom, and such term or acknowledgement shall not be evidence of circumstances showing an intent that any of the implied conditions and warranties are not to apply.

Application

(2) Subsection 1 applies to contracts for consumer sales entered into after this section comes into force.

Commence-
ment

3. This Act comes into force on the 18th day of October, 1971.

Short title

4. This Act may be cited as *The Consumer Protection Amendment Act, 1971*.

CHAPTER 25

An Act to amend The Corporations Act

*Assented to June 17th, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 168 of *The Corporations Act* is amended by striking out “with guarantee capital stock” in the first and second lines, so that the subsection shall read as follows:

R.S.O. 1970,
c. 89, s. 168,
subs. 1,
amended

(1) A mutual or cash-mutual corporation may be incorporated for the purpose of undertaking and transacting any class of insurance for which a mutual or cash-mutual insurance corporation may be licensed under *The Insurance Act*.

Incorporation
of mutual and
cash-mutual
insurance
corporations
R.S.O. 1970,
c. 224

(2) Subsection 2 of the said section 168 is amended by striking out “without guarantee capital stock” in the first and second lines, so that the subsection shall read as follows:

R.S.O. 1970,
c. 89, s. 168,
subs. 2,
amended

(2) A mutual insurance corporation may be incorporated for the purpose of undertaking contracts of fire insurance on the premium note plan upon agricultural property, weather insurance or live stock insurance.

Idem

(3) Subsection 3 of the said section 168 is repealed and the following substituted therefor:

R.S.O. 1970,
c. 89, s. 168,
subs. 3,
re-enacted

(3) A mutual insurance corporation, all the members of which are mutual or cash-mutual corporations, may be incorporated for the purpose of reinsuring contracts of insurance entered into by its members, and such a corporation may enter into contracts of reinsurance with any licensed insurer for the purpose of retroceding all or part of reinsurance contracts entered into by it with its members.

Corporation
for re-
insurance

R.S.O. 1970,
c. 89, s. 169,
subs. 1,
re-enacted

2.—(1) Subsection 1 of section 169 of *The Corporations Act* is repealed and the following substituted therefor:

Incorporation
of mutual fire
insurance
corporation

- (1) Ten residents in any county or district may call a meeting of the residents thereof to consider whether it is expedient to establish therein a mutual fire insurance corporation to undertake contracts of fire insurance on the premium note plan upon agricultural property.

R.S.O. 1970,
c. 89, s. 169,
subs. 2,
amended

(2) Subsection 2 of the said section 169 is amended by striking out “in which the municipality is situate” in the fifth line, so that the subsection shall read as follows:

Advertise-
ments
calling
meeting

- (2) The meeting shall be called by advertisement, stating the time, place and object of the meeting, and the advertisement shall be published once in *The Ontario Gazette* and at least once a week for three consecutive weeks in a newspaper published in the county or district.

R.S.O. 1970,
c. 89, s. 169,
subs. 3,
amended

(3) Subsection 3 of the said section 169 is amended by striking out “freeholders” in the first line and inserting in lieu thereof “residents”, so that the subsection shall read as follows:

Subscription
book

- (3) If thirty residents are present at the meeting and a majority of them determine that it is expedient to establish a mutual fire insurance corporation, they may elect from among themselves three persons to open and keep a subscription book in which owners of real or personal property in Ontario may sign their names and enter the sum for which they respectively bind themselves to effect insurance in the corporation.

R.S.O. 1970,
c. 89, s. 169,
subs. 5,
re-enacted

(4) Subsection 5 of the said section 169 is repealed and the following substituted therefor:

How meeting
to be called

- (5) When the subscription has been completed, any ten of the subscribers may call the first meeting of the proposed corporation at such time and place in the county or district as they determine by sending a printed notice by mail, addressed to each subscriber at his post office address, at least ten days before the day of the meeting, and by advertisement in a newspaper having general circulation in the county or district.

R.S.O. 1970,
c. 89, s. 169,
subs. 7,
amended

(5) Subsection 7 of the said section 169 is amended by striking out “municipality, or in a municipality adjacent

thereto

thereto, named" in the fifth and sixth lines and inserting in lieu thereof "county or district", so that the subsection shall read as follows:

- (7) At such meeting, or at any adjournment of it, the name and style of the company, which shall include the words "fire" and "mutual", shall be adopted, an acting secretary appointed, a board of directors elected as hereinafter provided and a central and generally accessible place in the county or district at which the head office of the company is to be located.

Election of
directors

- (6) Subsection 13 of the said section 169 is repealed and the following substituted therefor:

R.S.O. 1970,
c. 89, s. 169,
subs. 13,
re-enacted

- (13) A mutual insurance corporation incorporated for the purposes of undertaking contracts of fire insurance solely on the premium note plan has and is limited to the power to,

Powers

- (a) undertake contracts of fire insurance upon agricultural property or property that is not mercantile or manufacturing or hazardous, on the premium note plan in accordance with *The Insurance Act*;

R.S.O. 1970,
c. 224

- (b) in respect of property that it insures against fire, undertake contracts of property damage insurance, theft insurance or any class or classes of insurance set out in section 27 of *The Insurance Act*;

- (c) undertake contracts of employers' liability insurance or public liability insurance as defined in *The Insurance Act* in the case of persons whose property it insures against fire, but such insurance shall be limited to liability arising from the use and occupancy of the property insured against fire; and

- (d) undertake contracts of hail insurance as defined for the purposes of *The Insurance Act* in the case of persons whose property it insures against fire.

- (7) Subsection 14 of the said section 169 is amended by striking out "without guarantee capital stock" in the second line, so that the subsection shall read as follows:

R.S.O. 1970,
c. 89, s. 169,
subs. 14,
amended

Powers
deemed in
letters
patent

- (14) The letters patent of a mutual insurance corporation incorporated for the purposes of undertaking contracts of fire insurance on the premium note plan shall be deemed to include power to undertake all the classes of insurance set out in subsection 13.

R.S.O. 1970,
c. 89, s. 170,
subs. 1,
amended

- 3.—(1) Subsection 1 of section 170 of *The Corporations Act* is amended by striking out “municipality” in the first line and inserting in lieu thereof “county or district”, so that the subsection shall read as follows:

Incorporation
of mutual live
stock insur-
ance corpora-
tion

- (1) Ten owners of live stock in any county or district may call a meeting of the owners of live stock to consider whether it is expedient to establish a live stock insurance corporation upon the mutual plan.

R.S.O. 1970,
c. 89, s. 170,
subs. 2,
re-enacted

- (2) Subsection 2 of the said section 170 is repealed and the following substituted therefor:

Organization

- (2) The mode of calling such meeting and the proceedings for the formation of the corporation shall be the same *mutatis mutandis* as in the case of the formation of a mutual fire insurance corporation, except that the determination that it is expedient to establish the corporation shall be by thirty residents of the county or district, being owners of live stock in Ontario, and that the meeting for the organization of the corporation shall not be held unless fifty owners of live stock in Ontario have signed their names to the subscription book and bound themselves to effect insurance in the corporation that in the aggregate amounts to \$50,000 or more.

R.S.O. 1970,
c. 89, s. 171,
subs. 1,
amended

- 4.—(1) Subsection 1 of section 171 of *The Corporations Act* is amended by striking out “municipality” in the first and second lines and inserting in lieu thereof “county or district”, so that the subsection shall read as follows:

Incorporation
of mutual
weather
insurance
corporation

- (1) Ten owners of agricultural property in any county or district may call a meeting of the owners of agricultural property to consider whether it is expedient to establish therein a weather insurance corporation upon the mutual plan.

R.S.O. 1970,
c. 89, s. 171,
subs. 2,
re-enacted

- (2) Subsection 2 of the said section 171 is repealed and the following substituted therefor:

Organization

- (2) The mode of calling such meeting and the proceedings for the formation of the corporation shall be the same *mutatis mutandis* as in the case of the formation of

a mutual fire insurance corporation, except that the determination that it is expedient to establish the corporation shall be by thirty residents of the county or district, being owners of agricultural property in Ontario, and that the meeting for the organization of the corporation shall not be held unless fifty owners of agricultural property in Ontario have signed their names to the subscription book and bound themselves to effect insurance in the corporation that in the aggregate amounts to \$50,000 or more.

(3) Subsection 3 of the said section 171 is amended by striking out "without guarantee capital stock" in the third line, so that the subsection shall read as follows:

R.S.O. 1970,
c. 89, s. 171,
subs. 3
amended

- (3) The letters patent or supplementary letters patent shall limit the powers of a mutual weather insurance corporation incorporated under this section to undertaking contracts of insurance on the premium note plan on any kind of agricultural property or property that is not mercantile or manufacturing against loss or injury arising from such atmospheric disturbances, discharges or conditions as the contract of insurance specifies.

Powers

5. Sections 172 to 178 of *The Corporations Act* are repealed and the following substituted therefor:

R.S.O. 1970,
c. 89,
ss. 172-174,
re-enacted;
ss. 175-178,
repealed

- 172.—(1) Ten residents of any county or district may call a meeting of other residents thereof to consider whether it is expedient to establish a cash-mutual insurance corporation for the purpose of undertaking any class of insurance for which a cash-mutual corporation may be licensed under *The Insurance Act*.

Incorporation
of cash-
mutual
insurance
corporations

R.S.O. 1970,
c. 224

- (2) The mode of calling such meeting and the proceedings for the formation of the corporation shall be the same *mutatis mutandis* as in the case of a mutual fire insurance corporation undertaking contracts of fire insurance under the premium note plan, except that the determination that it is expedient to establish the corporation shall be by thirty residents of the county or district, and that the meeting for the organization of the corporation shall not be held unless fifty residents have signed the subscription book and bound themselves to effect insurance in the corporation that in the aggregate amounts to \$250,000 or more.

Organization

- 173.—(1) A mutual insurance corporation incorporated for the purposes of undertaking contracts of insurance

When mutual
company
writing on
the premium
note plan
may become a
cash-mutual
corporation

on the premium note plan that has a net surplus of assets over all liabilities of not less than \$500,000, may apply to the Lieutenant Governor in Council for the issue of supplementary letters patent converting it into a cash-mutual corporation in the manner provided in this Act.

Approval of
members

- (2) The application shall be authorized by a resolution of three-fourths in number of the directors of the corporation and confirmed by the members of the corporation by vote representing at least 90 per cent of the members present at a special general meeting duly called for that purpose, but the application shall not be made until twenty-one days notice of the application has been given by sending the notice to each member at his latest address as shown on the books of the corporation.

Notice of
application

- (3) Notice of intention to make the application and of the confirmation by the members of the corporation shall be published in at least four consecutive issues of *The Ontario Gazette* and in a newspaper having general circulation in the county or district in which the head office of the corporation is situate at least once a week for four consecutive weeks.

Certain
documents
to be
delivered

- (4) With the application for supplementary letters patent, submitted under this section, the applicants shall produce to the Minister certified as correct under the hands of the chairman and secretary,
- (a) a copy of the notice of the special meeting of the members of the corporation and the notices published in *The Ontario Gazette* and the newspaper;
 - (b) a copy of the minutes of the special meeting of the members, including all resolutions respecting the objects of the proposed corporation, its name and the location of its head office;
 - (c) a copy of the corporation's audited financial statement made up to a date not more than seven months prior to the date of the application;
 - (d) a list of the proposed officers and directors of the cash-mutual corporation;
 - (e) such further information as the Minister may require.

- (5) The Superintendent shall report to the Minister whether the proceedings for supplementary letters patent are in accordance with the provisions of this section and the requirements of *The Insurance Act*. Report by Superintendent
R.S.O. 1970, c. 224
- 174.—(1) A mutual or a cash-mutual corporation that has surplus assets, not including premium notes, sufficient to reinsure all its outstanding risks may apply to the Lieutenant Governor for the issue of supplementary letters patent converting it into a joint stock insurance corporation in the manner provided in this Act. When cash-mutual company may become a joint stock company
- (2) The application shall be authorized by a resolution of three-fourths in number of the directors of the corporation and confirmed by the members of the corporation by vote representing at least 90 per cent of the members present at a special general meeting duly called for that purpose, but the application shall not be made until twenty-one days notice of the application has been given by sending the notice to each member at his latest address as shown on the books of the corporation. Approval of members
- (3) Notice of intention to make the application and of the confirmation by the members of the corporation shall be published in at least four consecutive issues of *The Ontario Gazette* and in a newspaper having general circulation in the county or district in which the head office of the corporation is situate at least once a week for four consecutive weeks. Notice of application
- (4) A person who is a member of the corporation on the day of the meeting is entitled to priority in subscribing to the capital stock of the corporation for one month after the opening of the books of subscription in the ratio that the insurance held by him bears to the aggregate of the unexpired risks then in force. Priority of members in subscribing stock
- (5) With the application for supplementary letters patent, submitted under this section, the applicants shall produce to the Minister certified as correct under the hands of the chairman and secretary, Certain documents to be delivered
- (a) a copy of the notice of the special meeting of the members of the corporation and the notices published in *The Ontario Gazette* and the newspaper;

(b)

- (b) a copy of the minutes of the special general meeting of members, including all resolutions respecting the objects of the proposed corporation, its name and the location of its head office;
- (c) a copy of the corporation's audited financial statement made up to a date not more than seven months prior to the date of the application;
- (d) a list of the proposed officers and directors of the cash-mutual corporation;
- (e) such further information as the Minister may require.

Report of
Super-
intendent

- (6) The Superintendent shall report to the Minister whether the application for supplementary letters patent is in accordance with the provisions of this section and the requirements of *The Insurance Act*.

R.S.O. 1970,
c. 224

R.S.O. 1970,
c. 89, s. 179,
amended

- 6.** Section 179 of *The Corporations Act* is amended by striking out "178" in the first line and inserting in lieu thereof "173 or 174".

R.S.O. 1970,
c. 89,
ss. 180-184,
repealed
R.S.O. 1970,
c. 89, s. 185,
re-enacted

- 7.** Sections 180 to 184 of *The Corporations Act* are repealed.

- 8.** Section 185 of *The Corporations Act* is repealed and the following substituted therefor:

When distri-
bution of
assets among
members
permitted

185. No mutual or cash-mutual insurance corporation that has ceased to do new business shall divide among its members any part of its assets, except income from investments, until it has performed or cancelled its policy obligations and upon proof to the Superintendent that such policy obligations have been performed or cancelled.

R.S.O. 1970,
c. 89, s. 186,
re-enacted

- 9.** Section 186 of *The Corporations Act* is repealed and the following substituted therefor:

Application
of ss. 187-202

186. Sections 187 to 202 apply only to mutual and cash-mutual insurance corporations.

R.S.O. 1970,
c. 89, s. 191,
subs. 1,
re-enacted

- 10.** Subsection 1 of section 191 of *The Corporations Act* is repealed and the following substituted therefor:

Voting of
members of
mutual or
cash-mutual
insurance
corporations

- (1) A member of a mutual or cash-mutual insurance corporation who is not in arrear for any assessment or cash payment due by him to the corporation is

entitled

entitled at all meetings of the corporation to one vote if the amount of premium paid by him annually is in excess of \$25 and no member is entitled to more than one vote.

11. Subsection 1 of section 193 of *The Corporations Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 89, s. 193,
subs. 1,
re-enacted

- (1) No person is eligible to be or shall act as a director unless he is a member of the corporation, insured therein for the time he holds office and entitled to a vote.

Qualifica-
tions of
directors

12. Subsection 2 of section 199 of *The Corporations Act* is repealed.

R.S.O. 1970,
c. 89, s. 199,
subs. 2,
repealed

13. Subsection 2 of section 203 of *The Corporations Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 89, s. 203,
subs. 2,
re-enacted

- (2) The security given by the treasurer or other officer having charge of the money of the corporation shall not be less than \$5,000 or such greater amount as may be required by the by-laws of the corporation or by the Superintendent.

Minimum
security

14. Section 205 of *The Corporations Act* is repealed.

R.S.O. 1970,
c. 89, s. 205,
repealed

15.—(1) This Act, except section 12, comes into force on the day it receives Royal Assent.

Commence-
ment

(2) Section 12 comes into force on the 1st day of January, 1973.

Idem

16. This Act may be cited as *The Corporations Amendment Act, 1971*.

Short title

CHAPTER 26

**An Act to amend
The Business Corporations Act**

*Assented to June 17th, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 1 of *The Business Corporations Act* is amended by adding thereto the following paragraphs: R.S.O. 1970,
c. 53,
s. 1, subs. 1,
amended

4a. "basic earnings per share" means the amount of income attributable to each outstanding share that carries as an incident of ownership the right to participate in earnings to an unlimited degree, calculated in the manner prescribed by the regulations;

14a. "fully diluted earnings per share" means the amount of income attributable to each share that would, if all potential conversions, exercises and contingent issuances had occurred during the period, be outstanding and have as an incident of ownership the right to participate in earnings to an unlimited degree, calculated in the manner prescribed by the regulations.

2. Subsection 9 of section 1 of *The Business Corporations Act* is repealed and the following substituted therefor: R.S.O. 1970,
c. 53,
s. 1, subs. 9,
re-enacted

(9) A body corporate is offering its securities to the public only where, Offering
securities
to public

(a) in respect of any of its securities a prospectus, statement of material facts or securities exchange take-over bid circular has been filed under *The Securities Act* or any predecessor thereof or in respect of which a prospectus has been filed under *The Corporations Infor-*

mation

R.S.O. 1970,
cc. 426, 90

mation Act, or any predecessor thereof, so long as any of such securities are outstanding; or

- (b) any of its shares are listed and posted for trading on any stock exchange in Ontario recognized by the Commission,

except that where, upon the application of a body corporate that has fewer than fifteen shareholders, the Commission is satisfied, in its discretion, that to do so would not be prejudicial to the public interest, the Commission may order, subject to such terms and conditions as the Commission may impose, that the body corporate shall be deemed to have ceased to be offering its securities to the public.

R.S.O. 1970,
c. 53,
s. 23, subs. 4,
re-enacted

3. Subsection 4 of section 23 of *The Business Corporations Act* is repealed and the following substituted therefor:

Idem

- (4) Any by-law, resolution or other action of a corporation that has only one shareholder consented to at any time during a corporation's existence by the signature of such shareholder is as valid and effective as if passed at a meeting of shareholders duly called, constituted and held for that purpose.

Evidentiary
value of
signatures

- (5) Where a by-law, resolution or other action purports to have been consented to or confirmed under this section by the signatures of all the directors or shareholders, as the case may be, of the corporation, the signatures to the by-law, resolution or other action are admissible in evidence as *prima facie* proof of the signatures of the directors or shareholders, as the case may be, that they purport to represent and are admissible in evidence as *prima facie* proof that the signatories to the by-law, resolution or other action were all the directors or all the shareholders entitled to vote at meetings of shareholders, as the case may be, at the date that the by-law, resolution or other action purports so to have been consented to or confirmed.

R.S.O. 1970,
c. 53,
s. 25,
amended

4. Section 25 of *The Business Corporations Act* is amended by adding thereto the following subsection:

Effective
date of an
amendment

- (3) Upon the date set forth in the certificate of filing, the resolution becomes effective and constitutes an amendment to the articles.

5. Clause *g* of subsection 1 of section 27 of *The Business Corporations Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 53, s. 27,
subs. 1, cl. *g*,
re-enacted

- (*g*) the purchase for cancellation by the corporation of all or part of the shares of that class by agreement with the holders thereof

6. Subsection 1 of section 34 of *The Business Corporations Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 53,
s. 34, subs. 1,
re-enacted

- (1) Where the shares of a class of special shares are made redeemable by the articles and part only of the special shares are to be redeemed, the shares to be redeemed shall be selected,

Redemption
of special
shares

- (*a*) by lot in such manner as the board of directors determines;
- (*b*) as nearly as may be in proportion to the number of special shares of the class registered in the name of each shareholder; or
- (*c*) in such other manner as the board of directors determines with the consent of the holders of special shares of the class obtained in the manner set out in subsection 2,

but the articles may confine the manner of selection to one or more of those methods set out in clauses *a*, *b* and *c*.

7. Subsection 1 of section 35 of *The Business Corporations Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 53,
s. 35, subs. 1,
re-enacted

- (1) Where the shares of a class of special shares are made purchasable for cancellation by the articles, then,

Purchase
of special
shares for
cancellation

- (*a*) the shares shall be purchased at the lowest price at which, in the opinion of the directors, the shares are obtainable, but not exceeding an amount stated in or determined by the articles; and
- (*b*) the shares shall be purchased either,
 - (i) on the open market,
 - (ii) with the consent of all the holders of the shares of the class, or

(iii)

- (iii) pursuant to tenders received by the corporation upon request for tenders addressed to all the holders of the shares of the class and the corporation shall accept only the lowest tenders,

but the articles may confine the manner of purchase to one or more of those set out in subclauses i, ii and iii.

R.S.O. 1970,
c. 53,
s. 37, subs. 1,
re-enacted

8. Subsection 1 of section 37 of *The Business Corporations Act* is repealed and the following substituted therefor:

Surrender
of mutual
fund shares

- (1) Where the only undertaking of a corporation is the business of investing the funds of the corporation, its articles may provide for the issuing of one or more classes of mutual fund shares and fractions or parts thereof that have attached thereto conditions requiring the corporation to accept, at the demand of the holder thereof and at prices determined and payable in accordance with the conditions, the surrender of the shares, or fractions or parts thereof.

R.S.O. 1970,
c. 53,
s. 39, subs. 5,
re-enacted

9. Subsection 5 of section 39 of *The Business Corporations Act* is repealed and the following substituted therefor:

method

- (5) Where a corporation purchases its common shares under subsection 1, the purchase shall be made at the lowest price at which, in the opinion of the directors, such shares are obtainable, and,
 - (a) pursuant to tenders received by the corporation upon request for tenders addressed to all the holders of the shares of the class and the corporation shall accept only the lowest tenders; or
 - (b) from *bona fide* full-time employees and former employees of the corporation; or
 - (c) where the corporation is offering its shares to the public, by purchase on the open market.

R.S.O. 1970,
c. 53,
s. 44, subs. 5,
re-enacted

10. Subsection 5 of section 44 of *The Business Corporations Act* is repealed and the following substituted therefor:

Idem

- (5) For the purposes of subsection 4 and paragraph 21 of subsection 2 of section 15, a document evidencing indebtedness of the allottee does not constitute property and services shall be past services actually

performed

performed for the corporation, and the value of property or services shall be the value the directors determine by express resolution to be in all the circumstances of the transaction the fair equivalent of the cash value.

11. Subsection 1 of section 45 of *The Business Corporations Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 53, s. 45, subs. 1, re-enacted

- (1) A corporation may provide by special by-law for the payment of commissions or allowing discounts to persons in consideration of their subscribing or agreeing to subscribe, whether absolutely or conditionally, for shares in the corporation, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for such shares, but, except in the case of a corporation that carries on as its principal business the business of exploring for minerals, gas or oil or of operating a producing mining, gas or oil property owned and controlled by it or a corporation at least 75 per cent of whose assets are of a wasting character, no such commission or discount shall exceed 25 per cent of the amount of the subscription price. Commission on sale of shares

12. Section 48 of *The Business Corporations Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 53, s. 48, re-enacted

- 48.—(1) Except in the cases mentioned in this section, a corporation shall not be a shareholder of a body corporate that is its holding body corporate, and any allotment or transfer of shares of a corporation to its subsidiary is void. Subsidiaries not to hold shares of holding bodies corporate
- (2) This section does not apply to a subsidiary holding shares as personal representative unless the holding body corporate or a subsidiary thereof is beneficially interested under a trust and is not so interested only by way of security for the purposes of a transaction entered into by it in the ordinary course of a business that includes the lending of money. Application
- (3) This section does not prevent a subsidiary that on the 30th day of April, 1954, held shares of its holding body corporate from continuing to hold such shares, but, subject to subsection 2, the subsidiary has no right to vote at meetings of shareholders of the holding body corporate or at meetings of any class of shareholders thereof. Exception

Nominees

- (4) Subject to subsection 2, subsections 1 and 3 apply in relation to a nominee for a corporation that is a subsidiary as if the references in subsections 1 and 3 to such a corporation included references to a nominee for it.

R.S.O. 1970,
c. 53,
s. 51, subs. 5,
re-enacted

13. Subsection 5 of section 51 of *The Business Corporations Act* is repealed and the following substituted therefor:

Transfer
restricted

- (5) A share certificate issued for one or more shares the transfer of which is restricted in accordance with the articles shall,
- (a) legibly state on the certificate or have attached thereto a legible statement of the restrictions on the right to transfer the shares; or
 - (b) legibly state on the certificate that there are restrictions on the right to transfer the shares and that a copy of the full text thereof is obtainable on demand and without fee from the corporation.

Idem

- (6) Where a share certificate contains a statement as provided in clause *b* of subsection 5, the corporation shall furnish to the shareholder on demand without fee a copy of the full text of the restrictions on the right to transfer the shares.

R.S.O. 1970,
c. 53,
s. 56, subs. 3,
re-enacted

14. Subsection 3 of section 56 of *The Business Corporations Act* is repealed and the following substituted therefor:

Exception

- (3) Subsection 1 does not apply to an instrument filed or registered under any other Act.

R.S.O. 1970,
c. 53,
s. 57, subs. 3,
re-enacted

15. Subsection 3 of section 57 of *The Business Corporations Act* is repealed and the following substituted therefor:

Resident
trustee

- (3) Every body corporate whose debt obligations are offered to the public in Ontario under a trust indenture and every body corporate whose debt obligations are issued in Ontario under a trust indenture shall have a trustee resident or authorized to do business in Ontario.

R.S.O. 1970,
c. 53,
s. 63, subs. 1,
amended

16. Subsection 1 of section 63 of *The Business Corporations Act* is amended by adding thereto the following clauses:

- (fa) "genuine" means free from forgery or counterfeiting;

(fb)

(fb) “noted conspicuously” and “appearing conspicuously” mean written in such a way that the person against whom words so noted or appearing are to operate ought reasonably to notice them;

(j) “unauthorized”, when used with reference to a signature or endorsement, means one made without actual, implied or apparent authority and includes a forgery.

17. Subsection 1 of section 76 of *The Business Corporations Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 53,
s. 76, subs. 1,
re-enacted

(1) A person placing his signature upon a security as authenticating trustee, registrar or transfer agent warrants to a purchaser for value without notice of the particular defect that,

Warranties
on issue

(a) the security is genuine and in proper form;

(b) his own participation in the issue of the security is within his capacity and within the scope of the authorization received by him from the issuer; and

(c) he has reasonable grounds to believe that the security is in the form and within the amount the issuer is authorized to issue.

18. Section 107 of *The Business Corporations Act* is amended by adding thereto the following subsection:

R.S.O. 1970,
c. 53, s. 107,
amended

(2) Where a corporation has only one shareholder and, on or before the date the annual meeting is required to be held, the action required to be taken at the annual meeting is completed in accordance with subsection 4 of section 23, the action so completed shall be deemed to have been taken at an annual meeting of the corporation and such annual meeting shall be deemed to have been held on the date of the completion.

Idem

19. Section 121 of *The Business Corporations Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 53, s. 121,
re-enacted

121. The chairman at a meeting has the right not to conduct a vote by way of ballot on any matter or group of matters in connection with which the form of proxy

Where vote
by ballot
not required

has

has provided a means whereby the person whose proxy is solicited may specify how such person wishes the shares registered in his name to be voted unless,

- (a) a poll is demanded by any shareholder present at the meeting in person or represented thereat by proxy; or
- (b) proxies requiring that the shares represented thereby be voted against what would otherwise be the decision of the meeting in relation to such matters or group of matters total more than 5 per cent of all the voting rights attaching to all the shares entitled to be voted and be represented at the meeting.

R.S.O. 1970,
c. 53,
s. 134, subs. 4,
re-enacted

Effect of
declaration

20. Subsection 4 of section 134 of *The Business Corporations Act* is repealed and the following substituted therefor:

- (4) If a director has made a declaration and disclosure of his interest in a contract or transaction in compliance with this section and has not voted in respect of the contract or transaction at the meeting of the directors of the corporation, the director, if he was acting honestly and in good faith at the time the contract or transaction was entered into, is not by reason only of his holding the office of director accountable to the corporation or to its shareholders for any profit or gain realized from the contract or transaction, and the contract or transaction, if it was in the best interest of the corporation at the time the contract or transaction was entered into, is not voidable by reason only of the director's interest therein.

R.S.O. 1970,
c. 53, s. 137,
subs. 1, cl. c,
re-enacted

21.—(1) Clause *c* of subsection 1 of section 137 of *The Business Corporations Act* is repealed and the following substituted therefor:

- (c) a loan mentioned in section 146 is authorized,

.

R.S.O. 1970,
c. 53, s. 137,
subs. 3, cl. c,
re-enacted

(2) Clause *c* of subsection 3 of the said section 137 is repealed and the following substituted therefor:

- (c) a loan mentioned in section 146 is authorized,

22. Section 143 of *The Business Corporations Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 53, s. 143, re-enacted

143. Unless the articles or by-laws otherwise provide, no person shall be the president of a corporation unless he is a director of the corporation, but no other officer except the chairman of the board need be a director. Qualifications of chairman and president

23. Section 148 of *The Business Corporations Act* is amended by adding thereto the following subsection: R.S.O. 1970, c. 53, s. 148, amended

- (4) For the purpose of reporting under this section ownership shall be deemed to pass at such time as an offer to sell is accepted by the purchaser or his agent or an offer to buy is accepted by the vendor or his agent. Time when ownership passes

24. Subsection 1 of section 167 of *The Business Corporations Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 53, s. 167, subs. 1, re-enacted

- (1) Subject to subsection 2, where in a financial year all the shareholders of a corporation that, Exemption from audit provisions

(a) is not offering its securities to the public;

(b) has five or fewer shareholders; and

(c) has assets not exceeding \$500,000 and sales or gross operating revenues not exceeding \$1,000,000, as shown on the financial statement of the corporation for the preceding year,

consent in writing, the corporation is exempt from sections 168 and 169, subsections 1 to 4 of section 170, section 171 and clause *c* of subsection 1 and subsection 3 of section 172 in respect of the year in which the consent is given.

25. Subsection 4 of section 171 of *The Business Corporations Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 53, s. 171, subs. 4, re-enacted

- (4) Where facts come to the attention of the officers or directors which, if known prior to the date of the last annual meeting of shareholders, would have required a material adjustment to the financial statement presented to such meeting, the officers or directors shall communicate such facts to the auditor who reported to the shareholders under this section and the directors shall forthwith amend the financial statement and send it to the auditor. Facts discovered after statement

R.S.O. 1970,
c. 53,
s. 173, subs. 1,
amended

26. Subsection 1 of section 173 of *The Business Corporations Act* is amended by striking out “and” at the end of clause *i*, and by adding thereto the following clauses:

- (*k*) the basic earnings per share for the current and preceding year for,
 - (i) income before extraordinary items, and
 - (ii) net income for the period; and
- (*l*) fully diluted earnings per share for the current year for,
 - (i) income before extraordinary items, and
 - (ii) net income for the period,

R.S.O. 1970,
c. 53, s. 177,
subs. 1, par. 27,
re-enacted

27. Paragraph 27 of subsection 1 of section 177 of *The Business Corporations Act* is repealed and the following substituted therefor:

- 27. The number of common shares of the corporation purchased and the number of the common shares of the corporation resold since the date of the last preceding balance sheet, giving the date of each such purchase and resale and the price at which each such purchase or resale was made.

R.S.O. 1970,
c. 53,
s. 178, subs. 3,
amended

28. Subsection 3 of section 178 of *The Business Corporations Act* is amended by adding thereto the following paragraphs:

- 18. Where the corporation has,

- i. in the course of a financial period, carried on business of two or more classes that, in the opinion of its directors, differ substantially from each other and the corporation is not one that has any subsidiaries at the end of that financial period, or if it has one or more subsidiaries, does not prepare its financial statement in consolidated form in respect of any subsidiary, or

- ii. has one or more subsidiaries at the end of its financial period and prepares its financial statement in consolidated form in respect of any of the subsidiaries, if the corporation and

any

any of the subsidiaries carried on between them in the course of the period business of two or more classes that, in the opinion of the directors of the corporation, differ substantially from each other,

a statement of the proportions in which the amount of sales or gross revenue for that period, so far as stated in the financial statement in respect of that period, is divided among those classes of business but for the purposes of subparagraphs i and ii,

- iii. classes of business that, in the opinion of the directors, do not differ substantially from each other shall be treated as one class, and
 - iv. a corporation having gross sales and revenues exceeding \$25,000,000 need only report in respect of a class of business that contributes 10 per cent or more of the total gross revenue of the corporation and a corporation having gross sales and revenues of \$25,000,000 or less need only report in respect of a class of business that contributes 15 per cent or more of the total gross revenue of the corporation.
19. Where there has been a business combination or acquisition arrived at through private agreements, statutory amalgamations, statutory arrangements or statutory procedures, a take-over bid as defined in Part IX of *The Securities Act*, asset purchases or other methods of materially adding to or combining with an existing business, the details thereof in accordance with the acquisition equation prescribed by the regulations. R.S.O. 1970,
c. 426
 20. Where securities have been issued to acquire assets, the proportion of the total securities outstanding, expressed as a percentage, represented by the securities issued to make the acquisition.
 21. Where the pooling of interest method is used to account for a business combination or acquisition, an earnings history for at least two years as though the companies were pooled for the years covered by such history, set out alongside the earnings history of the acquiring corporation.

29. Subsection 3 of section 184 of *The Business Corporations Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 53,
s. 184, subs. 3,
re-enacted

Financial
statement,
on demand

- (3) A shareholder of a corporation that is not offering its securities to the public is entitled to be furnished by the corporation on demand with a copy of the documents mentioned in subsections 1 and 2.

R.S.O. 1970,
c. 53,
s. 185, subs. 1,
cl. c, amended

30. Clause *c* of subsection 1 of section 185 of *The Business Corporations Act* is amended by striking out "and" at the end of subclause iv and by adding thereto the following subclauses:

- (vi) the basic earnings per share for income before extraordinary items and for net income for the period, and
- (vii) fully diluted earnings per share for income before extraordinary items and for net income.

R.S.O. 1970,
c. 53,
s. 186, subs. 6,
re-enacted

31. Subsection 6 of section 186 of *The Business Corporations Act* is repealed and the following substituted therefor:

Offences

- (6) Every director, officer, agent, employee, banker or auditor who refuses to produce any account or record referred to in subsection 3 and every person examined under subsection 4 or subsection 5 who refuses to answer any question related to the affairs and management of the corporation or any affiliate is guilty of an offence under section 259, in addition to any other liability to which he is subject.

R.S.O. 1970,
c. 53, s. 189,
amended

32. Section 189 of *The Business Corporations Act* is amended by adding thereto the following subsection:

Idem

- (3a) Notwithstanding subsection 3, if an amendment under clause *m* of subsection 1 is to provide for the restrictions permitted by subsection 2 of section 47, such amendment shall be authorized by a special resolution.

R.S.O. 1970,
c. 53,
s. 195, subs. 3,
re-enacted

33. Subsection 3 of section 195 of *The Business Corporations Act* is repealed and the following substituted therefor:

Effect of
certificate

- (3) Upon the date set forth in the certificate of filing, the scheme becomes effective and constitutes an amendment to the articles.

R.S.O. 1970,
c. 53, s. 196,
subs. 2, cl. *b*,
re-enacted

34. Clause *b* of subsection 2 of section 196 of *The Business Corporations Act* is repealed and the following substituted therefor:

- (*b*) the objects of the amalgamated corporation.

35. Clause *d* of subsection 4 of section 197 of *The Business Corporations Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 53, s. 197,
subs. 4, cl. d,
re-enacted

- (d) the articles of incorporation of each of the amalgamating corporations are amended to the extent necessary to give effect to the terms and conditions of the amalgamation agreement.

36. Section 198 of *The Business Corporations Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 53, s. 198,
re-enacted

- 198.—(1) A body corporate incorporated under the laws of any jurisdiction other than Ontario may, if it appears to the Minister to be thereunto authorized by the laws of the jurisdiction in which it was incorporated, apply to the Minister for a certificate continuing it as if it had been incorporated under this Act, and the Minister may issue the certificate of continuation on application supported by such material as appears satisfactory, and the certificate may be issued on such terms and subject to such limitations and conditions and contain such provisions as appear to the Minister to be fit and proper.
- (2) Upon the date set forth in a certificate of continuation issued under subsection 1, this Act applies to the body corporate to the same extent as if it had been incorporated under this Act.

Certificate of
continuation

Effect of
certificate of
continuation

37. Section 199 of *The Business Corporations Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 53, s. 199,
re-enacted

- 199.—(1) A corporation may, if authorized by a special resolution, by the Minister and by the laws of any other jurisdiction, apply to the proper officer of that other jurisdiction for an instrument of continuation continuing the corporation as if it had been incorporated under the laws of that other jurisdiction.
- (2) The corporation shall file with the Minister a notice of the issue of the instrument of continuation, and on and after the date of the filing of the notice this Act ceases to apply to that corporation.
- (3) This section applies only in respect of a jurisdiction that has legislation in force that permits bodies corporate incorporated under its laws to apply for an instrument of continuation under the laws of Ontario.

Transfer of
Ontario
corporations

Notice

Application

R.S.O. 1970,
c. 53,
s. 247, cl. a,
re-enacted

38.—(1) Clause *a* of section 247 of *The Business Corporations Act* is repealed and the following substituted therefor:

- (a) a majority of the votes cast at a general meeting of the shareholders of the corporation duly called for the purpose or by such other proportion of the votes cast as the articles provide; but such other proportion shall not be less than 50 per cent of the votes of all the shareholders entitled to vote at the meeting.

R.S.O. 1970,
c. 53, s. 247,
cl. c,
re-enacted

(2) Clause *c* of the said section 247 is repealed and the following substituted therefor:

- (c) all its incorporators or their personal representatives at any time within two years after the date set forth in its certificate of incorporation where the corporation has not commenced business and has not issued any shares.

R.S.O. 1970,
c. 53, s. 248,
subs. 2, cl. b,
re-enacted

39. Clause *b* of subsection 2 of section 248 of *The Business Corporations Act* is repealed and the following substituted therefor:

- (b) the date set forth in its certificate of incorporation.

R.S.O. 1970,
c. 53,
s. 251, subs. 4,
re-enacted

40. Subsection 4 of section 251 of *The Business Corporations Act* is repealed and the following substituted therefor:

- (4) Where a corporation is dissolved under subsection 3, or was dissolved in 1970 under subsection 2 of section 326 of *The Corporations Act*, the Minister, on the application of any interested person immediately before the dissolution, made within two years after the date of dissolution, may in his discretion by order, on such terms and conditions as he sees fit to impose, revive the corporation, and thereupon the corporation, subject to the terms and conditions of the order and to any rights acquired by any person after its dissolution, is restored to its legal position, including all its property, rights, privileges and franchises, and is subject to all its liabilities, contracts, disabilities and debts, as at the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved.

Revival

R.S.O. 1960,
c. 71

41. Subsection 1 of section 252 of *The Business Corporations Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 53,
s. 252, subs. 1,
re-enacted

- (1) Notwithstanding the dissolution of a corporation Suits after dissolution
under section 249, 250 or 251,

- (a) any action, suit or other proceeding commenced by or against the corporation before its dissolution may be proceeded with as if the corporation had not been dissolved;
- (b) any action, suit or other proceeding may be brought against the corporation within two years after its dissolution as if the corporation had not been dissolved; and
- (c) any property that would have been available to satisfy any judgment, order or other decision if the corporation had not been dissolved remains available for such purpose.

42. Subsection 3 of section 255 of *The Business Corporations Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 53, s. 255, subs. 3, re-enacted

- (3) Where a notice is required by this Act to be given to any person, the giving of the notice may be waived or the time for the notice may be waived or abridged with the consent in writing of such person, whether before or after the time prescribed. Waiver of notice and abridgement of times

43. Subsection 2 of section 260 of *The Business Corporations Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 53, s. 260, subs. 2, re-enacted

- (2) No proceedings under section 259 for a contra- Idem
vention of section 148 shall be commenced more than one year after the facts upon which the proceedings are based first came to the knowledge of the Commission as certified by the Commission or a member thereof.

44. Clause *d* of section 264 of *The Business Corporations Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 53, s. 264, cl. *d*, re-enacted

- (*d*) of the filing of a notice by a liquidator under subsection 2 of section 215.

45. Subsection 1 of section 272 of *The Business Corporations Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 53, s. 272, subs. 1, re-enacted

Continu-
ance of
letters
patent, etc.

- (1) Any provision in the letters patent, supplementary letters patent or by-laws and any special resolution of a corporation that was valid immediately before this Act comes into force, except a provision that contravenes section 147, continues to be valid and in effect, but any additions or amendments to or deletions from any provision in the letters patent, supplementary letters patent or by-laws of a corporation shall be made in accordance with this Act.

Commence-
ment

46.—(1) This Act, except sections 2, 3, 4, 6, 8, 10 to 12, 14, 15, 18, 21, 22, 24, 25, 27, 33 to 42, 44 and 45 comes into force on the day it receives Royal Assent.

Idem

(2) Sections 2, 3, 4, 6, 8, 10 to 12, 14, 15, 18, 21, 22, 24, 25, 27, 33 to 42, 44 and 45 shall be deemed to have come into force on the 1st day of January, 1971.

Short title

47. This Act may be cited as *The Business Corporations Amendment Act, 1971*.

CHAPTER 27

The Corporations Information Act, 1971*Assented to June 17th, 1971**Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) "corporation" means any corporation with or without share capital wherever or however incorporated and includes an extra-provincial corporation;
- (b) "court" means the Supreme Court of Ontario presided over by one of those judges of the High Court who are designated by the Chief Justice of the High Court for the purpose of hearing applications under this Act;
- (c) "debt obligation" means a bond, debenture, note or other similar obligation of a corporation, whether secured or unsecured;
- (d) "Department" means the Department of the Minister;
- (e) "extra-provincial corporation" means a corporation with or without share capital incorporated otherwise than by or under the authority of an Act of the Legislature;
- (f) "Minister" means the Minister of Financial and Commercial Affairs or such other member of the Executive Council to whom the administration of this Act may be assigned;
- (g) "prescribed" means prescribed by the regulations;
- (h) "regulations" means the regulations made under this Act. R.S.O. 1970, c. 90, s. 1, *amended*.

**Registration
of business
names**

2.—(1) No corporation shall carry on business in Ontario or identify itself to the public in Ontario by a name or style other than its corporate name unless the name or style is first registered with the Minister.

Idem

(2) A corporation may register a name or style referred to in subsection 1 by filing with the Minister a statement setting out,

- (a) the name of the corporation;
- (b) the jurisdiction in which it was incorporated;
- (c) the name or style in which it intends to carry on business or identify itself to the public;
- (d) a brief description of the business, activity or service to be carried on in or identified by the name being registered; and
- (e) the location of its head office giving street and number, if any.

Idem

(3) The registration of a name or style under this section does not confer on the corporation any right to such name or style that it does not otherwise have.

**Expiration
and renewals**

(4) Every registration made under this section expires in five years after the date of the registration, subject to renewal for a further period of five years from time to time. *New.*

**Annual
return**

3.—(1) Within two months after each anniversary, following the date upon which this section comes into force, of the date of its incorporation or amalgamation every corporation having its head or other office or carrying on any business, activity or service or a part thereof in Ontario, unless of a class exempted by the regulations, shall make out, verify and file with the Minister a return setting out as of the anniversary of the date of its incorporation or amalgamation,

- (a) the name of the corporation;
- (b) the date and manner of its incorporation or amalgamation;
- (c) the jurisdiction in which the corporation was incorporated;
- (d) whether or not the corporation is in operation;
- (e) generally the actual undertaking of the corporation;

(f)

- (f) the names and residence addresses, giving street and number, if any, of the directors and the date on which each became a director;
- (g) the names and residence addresses, giving street and number, if any, of its president, secretary, treasurer and general manager and the date on which each became an officer;
- (h) the location of its head office, giving street and number, if any;
- (i) the date on which its last annual meeting was held;
- (j) whether or not the corporation is offering its securities to the public within the meaning of subsection 9 of section 1 of *The Business Corporations Act*, R.S.O. 1970, c. 53

and where the corporation is an extra-provincial corporation and is licensed to carry on business in Ontario, in addition,

- (k) the name and office address of its attorney for service in Ontario;
- (l) the name and office address of its chief officer or manager in Ontario;
- (m) the location of its principal office in Ontario,

and where the objects of a corporation are in whole or in part of a social nature, the annual return shall state the address of the premises of the corporation, giving the street and number, if any.

(2) A corporation that holds a licence under Part IX of *The Corporations Act* or a predecessor of that Part or under *The Mortmain and Charitable Uses Act* shall be deemed to be carrying on business in Ontario for the purposes of subsection 1. Carrying on business R.S.O. 1970, cc. 89, 280

(3) The return mentioned in subsection 1 shall be verified Verification by the certificate of the president or a director of the corporation.

(4) The corporation shall retain a duplicate of its latest return made under subsection 1 and shall maintain the duplicate available for examination by any shareholder, member or creditor of the corporation during the normal business hours of the corporation at its head or principal office in Ontario, who may make copies thereof or extracts therefrom. Availability of copy at head office

Change in
board of
directors

(5) Every corporation to which subsection 1 applies shall file with the Minister a notice of every change in the membership of its board of directors within fifteen days after the change has taken place, and the notice shall specify the date upon which each person became a director or ceased to be a director, as the case may be, and the residence address, giving street and number, if any, of each such person.

Change in
authorized
capital

(6) Where shares of a class are donated to, redeemed, purchased, accepted for surrender or converted by a corporation with share capital incorporated in Ontario, it shall, within thirty days of the date on which the donation, redemption, purchase, surrender or conversion is effected, file with the Minister a notice setting out,

- (a) the number of shares of the class donated, redeemed, purchased, surrendered or converted;
- (b) the number of shares of the class cancelled;
- (c) the number and class or classes of shares into which the shares were converted; and
- (d) the date on which the donation, redemption, purchase, surrender or conversion was effected.

Extension of
time and
exemption
from fee

(7) The Minister may in his discretion enlarge the time for filing any return and may grant an exemption in whole or in part from the payment of the prescribed fee.

Filing not
complete
until fee
paid

(8) Notwithstanding that a corporation has delivered or filed the return mentioned in this section or a predecessor of this section, the corporation shall be deemed to be in default of filing such return until the prescribed fee payable on the delivery or filing of such return has been paid. R.S.O. 1970, c. 90, s. 2, *amended*.

Examination
by public

4.—(1) Upon payment of the prescribed fee, any person is entitled to examine any document filed under section 2 or 3 or any predecessor thereof, and to make extracts therefrom. *New*.

Furnishing
copies

(2) Upon payment of the prescribed fee, the Minister shall furnish any person with a certified copy of any document filed with him under section 2 or 3 or any predecessor thereof. *New*.

Information
required by
Minister

5.—(1) The Minister may at any time by notice require any corporation to file within the time specified in the notice

a return upon any subject connected with its affairs and relevant to the administration or enforcement of this Act, *The Business Corporations Act*, or *The Corporations Act*. R.S.O. 1970, cc. 53, 89
 R.S.O. 1970, c. 90, s. 3, *amended*.

(2) The Minister or any employee of the Department shall not disclose any information contained in a return made under subsection 1, except where the disclosure is necessary for the administration or enforcement of this Act, *The Business Corporations Act*, or *The Corporations Act*, or where the disclosure is required by a court for the purposes of an action, prosecution or other proceeding. *New*. Idem, disclosure of

6. The Minister with the approval of the Lieutenant Governor in Council may delegate in writing any of his duties or powers under this Act to any public servant in the Department. *New*. Delegation by Minister

7.—(1) Every person who makes a statement in any document, material, evidence or information submitted or required by or for the purposes of this Act that, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact or that omits to state any material fact, the omission of which makes the statement false or misleading, is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both, or if such person is a corporation to a fine of not more than \$20,000. R.S.O. 1970, c. 90, s. 2 (10). Offence

(2) No person is guilty of an offence under subsection 1 if he did not know that the statement was false or misleading and in the exercise of reasonable diligence could not have known that the statement was false or misleading. Knowledge as element of offence

(3) Where a corporation is guilty of an offence under subsection 1, every director or officer of such corporation who authorized, permitted or acquiesced in such offence is also guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both. *New*. Responsibility of directors and officers, etc.

8.—(1) Every person who,

General penalty

(a) contravenes this Act or the regulations; or

(b) fails to observe or comply with any order, direction or other requirement made under this Act or the regulations,

is,

is, except where such conduct also constitutes an offence under section 7, guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or, if such person is a corporation, to a fine of not more than \$20,000.

Responsi-
bility of
directors,
officers,
etc.

(2) Where a corporation is guilty of an offence under subsection 1, every director or officer of such corporation, and, where the corporation is an extra-provincial corporation, every person acting as its representative in Ontario, who authorized, permitted or acquiesced in such offence is also guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000. *New.*

Consent to
prosecute

9.—(1) No proceedings under section 7 or 8 shall be commenced except with the consent or under the direction of the Minister.

Limitation

(2) No proceedings under section 7 or 8 shall be commenced more than one year after the facts upon which the proceedings are based first came to the knowledge of the Minister as certified by him. *New.*

Restraining
orders

10. Where it appears to the Minister or to any shareholder or creditor of the corporation that the corporation has not complied with any provision of this Act or the regulations or any order, direction or other requirement made under this Act or the regulations, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, he may apply to the court for an order directing the corporation, director or officer or employee, as the case may be, to comply with such provision, order, direction or other requirement or for an order restraining such person from contravening such provision, order, direction or other requirement and upon such application the court may make such order or such other order as the court thinks fit. *New.*

Certificates
of Minister

11. The Minister may issue a certificate certifying,

- (a) as to the registration or non-registration of a name or style under section 2;
- (b) as to the filing or non-filing of any document or material required or permitted to be filed under this Act;
- (c) as to the time when the facts upon which proceedings are based first came to the knowledge of the Minister; or

(d)

- (d) that any person named in the certificate on the date or during the period specified in the certificate is shown on the records of the Department as a director, officer, manager or attorney for service of the corporation named in the certificate. *New.*

12.—(1) Where this Act requires or authorizes the Minister to issue a certificate or certify any fact, the certificate shall be issued under the seal of the Minister and shall be signed by him or by such officer of the Department as is designated by the regulations. Execution of certificates of Minister

(2) Any certificate purporting to be under the seal of the Minister and signed by a person authorized by or under subsection 1, or any certified copy, is receivable in evidence in any action, prosecution or other proceeding as *prima facie* proof of the facts so certified without proof of the seal or of the signature or the official position of the person appearing to have signed the certificate. *New.* Certificates as evidence

13. The Lieutenant Governor in Council may make regulations, Regulations

- (a) exempting any class or classes of corporations from filing returns under section 3;
- (b) providing for the registration of names and styles under section 2 and for the renewal thereof;
- (c) requiring the payment of fees for any matter required to be done in the administration of this Act and prescribing the amounts thereof;
- (d) designating officers of the Department who may sign certificates for the purposes of section 12;
- (e) respecting the form of any document required to be filed under this Act. R.S.O. 1970, c. 90, s. 4, *amended.*

14. *The Corporations Information Act* is repealed.

R.S.O. 1970,
c. 90,
repealed

15.—(1) This Act, except section 2, comes into force on the 1st day of October, 1971. Commencement

(2) Section 2 comes into force on the 1st day of January, 1972. Idem

16. This Act may be cited as *The Corporations Information Act*, 1971. Short title

CHAPTER 28

**An Act to amend
The Crop Insurance Act (Ontario)***Assented to June 17th, 1971**Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Crop Insurance Act (Ontario)* is amended by adding thereto the following section: R.S.O. 1970,
c. 98,
amended

5a.—(1) Subject to the approval of the Lieutenant Governor in Council, the Commission may make regulations establishing, amending and revoking voluntary plans providing for the insurance within Ontario against loss arising when the seeding or planting of land to an agricultural crop is prevented by excess ground moisture, weather or other agricultural hazards, and the provisions of subsection 1 of section 5 apply *mutatis mutandis* with respect to any plan. Idem

(2) A plan or any provisions thereof may apply to all of Ontario or to any area within Ontario. Application
of
regulations

2. This Act shall be deemed to have come into force on the 1st day of March, 1971. Commence-
ment

3. This Act may be cited as *The Crop Insurance Amendment Act (Ontario)*, 1971. Short title

CHAPTER 29

An Act to License and Regulate Fur Farms

*Assented to June 17th, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Director" means the Director of the Veterinary Services Branch of the Department of Agriculture and Food;
- (b) "fur-bearing animal" means a fisher, fox, marten, mink, raccoon or any other animal that the Lieutenant Governor in Council declares to be a fur-bearing animal for the purposes of this Act;
- (c) "fur farm" means premises where fur-bearing animals are kept in captivity for propagation or the production of pelts for commercial purposes;
- (d) "inspector" means an inspector appointed for the purposes of this Act;
- (e) "licence" means a licence under this Act;
- (f) "Minister" means the Minister of Agriculture and Food;
- (g) "pelt" means the untanned skin of a fur-bearing animal;
- (h) "regulations" means the regulations made under this Act.

2. The administration of this Act is under the control and direction of the Minister.

Administra-
tion of Act

Licence for
operation of
a fur farm

3. No person shall commence or continue to be the operator of a fur farm except under the authority of a licence from the Director in respect of that farm.

Issue of
licence

4. The Director shall issue a licence to a person who makes application therefor in accordance with this Act and the regulations and pays the prescribed fee.

Responsi-
bility of
operator

5.—(1) An operator of a fur farm shall maintain in a clean and sanitary condition the premises in which fur-bearing animals are kept.

Idem

(2) An operator of a fur farm shall ensure that all necessary measures are taken to prevent cruelty to or neglect of the fur-bearing animals on the fur farm.

Idem

(3) An operator of a fur farm shall ensure that the pens and enclosures in which fur-bearing animals are kept are constructed and maintained in a manner that will prevent such animals from escaping and other animals from entering.

Permits

6. No person shall,

(a) take or ship, or cause to be taken or shipped, from a fur farm to a point outside Ontario;

(b) take or ship, or cause to be taken or shipped, from a fur farm to a point within Ontario; or

(c) send, or cause to be sent, from a fur farm to a tanner or taxidermist for tanning, plucking or treating in any way,

any fur-bearing animal or pelt except under the authority of a permit prescribed in the regulations.

Containers
to be
marked

7. A container used in the shipment or transportation of fur-bearing animals or pelts from a fur farm shall be plainly marked on the outside in such a manner as to give the quantity and description of the contents and the names and addresses of the consignor and of the consignee.

Inspectors

8.—(1) The Minister may appoint a chief inspector and such other inspectors as he considers necessary to carry out and enforce this Act and the regulations.

Certificate
of
appointment

(2) The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment

without

without further proof of the signature or authority of the Minister.

(3) Subject to subsection 4, an inspector may, for the purpose of carrying out his duties under this Act and the regulations, enter any premises or building used in connection with a fur farm or which he has reason to believe are used in connection with the operation of a fur farm. Powers of inspector

(4) Except under the authority of a warrant under section 16 of *The Summary Convictions Act*, an inspector shall not enter any part of a dwelling without the consent of the owner or occupant. Entry of dwellings R.S.O. 1970, c. 450

(5) Every person shall, when required by the Director or an inspector, produce any books, records or other documents relating to the operation of a fur farm. Production of records, etc.

9. No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information. Obstruction of inspector

10. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$100 and for a second or subsequent offence to a fine of not more than \$500. Offence

11. The Lieutenant Governor in Council may make regulations, Regulations

- (a) providing for the issue of licences and prescribing the duration, terms and conditions thereof and the fees to be paid therefor;
- (b) declaring animals, other than those mentioned in clause *b* of section 1, to be fur-bearing animals for the purposes of this Act;
- (c) prescribing forms and providing for their use;
- (d) prescribing the records to be made and kept by the operator of a fur farm;
- (e) prescribing the reports to be submitted to the Director by the operator of a fur farm;
- (f) prescribing, and providing for the issue of, permits for the purposes of section 6;

(g)

(g) prescribing the duties of inspectors;

(h) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Existing
licences
continued
1961-62, c. 48

12. Every fur farmer's licence issued under section 59 of *The Game and Fish Act, 1961-62*, and expiring with the 31st day of December, 1971, shall continue to be valid and shall be deemed to have been issued under this Act.

Commence-
ment

13. This Act shall be deemed to have come into force on the 1st day of April, 1971.

Short title

14. This Act may be cited as *The Fur Farms Act, 1971*.

CHAPTER 30

An Act to amend The Game and Fish Act

*Assented to June 17th, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 5 of section 1 of *The Game and Fish Act* is repealed and the following substituted therefor: R.S.O. 1970,
c. 186,
s. 1, par. 5,
re-enacted

5. "domestic animals and domestic birds" includes any non-native species kept in captivity, except pheasants, and any fur-bearing animal kept on a fur farm, as defined in *The Fur Farms Act, 1971*, but does not include native species otherwise kept in captivity or non-native species present in the wild state. 1971, c. 29

2.—(1) Clause *a* of section 2 of *The Game and Fish Act* is repealed and the following substituted therefor: R.S.O. 1970,
c. 186,
s. 2, cl. *a*,
re-enacted

(a) to domestic animals and domestic birds, except dogs, or, subject to subsection 2, fur-bearing animals kept on a fur farm as defined in *The Fur Farms Act, 1971*.

(2) The said section 2 is amended by adding thereto the following subsection: R.S.O. 1970,
c. 186, s. 2,
amended

(2) This Act applies to fur-bearing animals kept on a fur farm as defined in *The Fur Farms Act, 1971* in respect of offences against sections 64 and 66. Idem

3. Clause *a* of section 61 of *The Game and Fish Act* is repealed and the following substituted therefor: R.S.O. 1970,
c. 186, s. 61,
cl. *a*,
re-enacted

(a) except that a pelt of an animal killed in Ontario may be possessed during the closed season under a licence if applied for within ten days after the end of the open season in which it was killed, but this clause does not apply to the pelts of beaver, fisher, lynx,

marten

marten, mink and otter that have been sealed or marked in accordance with this Act; and

R.S.O. 1970,
c. 186, s. 62,
subs. 1, cl. b,
re-enacted

4. Clause *b* of subsection 1 of section 62 of *The Game and Fish Act* is repealed and the following substituted therefor:

fur dealer's

(b) possess, engage in or carry on, or be concerned in, the trading, buying or selling of pelts.

R.S.O. 1970,
c. 186, s. 63,
subs. 2,
repealed

5. Subsection 2 of section 63 of *The Game and Fish Act* is repealed.

R.S.O. 1970,
c. 186, s. 64,
re-enacted

6. Section 64 of *The Game and Fish Act* is repealed and the following substituted therefor:

Hunting and
trapping of
fur-bearing
animals
restricted
1971, c. 29

64. Except with the written authority of the Minister, no person shall hunt or trap or attempt to trap a fur-bearing animal in the wild state for the purpose of transfer to a fur farm as defined in *The Fur Farms Act, 1971*.

R.S.O. 1970,
c. 186, s. 66,
amended

7. Section 66 of *The Game and Fish Act* is amended by adding thereto the following subsection:

(1a) No person shall take or ship or attempt to take or ship to a fur farm as defined in *The Fur Farms Act, 1971* any fur-bearing animal taken under section 64 without paying the royalty prescribed by the regulations.

Commence-
ment

8. This Act shall be deemed to have come into force on the 1st day of April, 1971.

Short title

9. This Act may be cited as *The Game and Fish Amendment Act, 1971*.

CHAPTER 31

An Act to amend The Securities Act

*Assented to July 9th, 1971**Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 2 of subsection 1 of section 1 of *The Securities Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 426,
s. 1, subs. 1,
par. 2,
re-enacted

2. “associate”, where used to indicate a relationship with any person or company, means,

- i. any company of which such person or company beneficially owns, directly or indirectly, equity shares carrying more than 10 per cent of the voting rights attached to all equity shares of the company for the time being outstanding,
- ii. any partners of that person or company acting by or for the partnership of which they are both partners,
- iii. any trust or estate in which such person or company has a substantial beneficial interest or as to which such person or company serves as trustee or in a similar capacity,
- iv. any spouse, son or daughter of that person, or
- v. any relative of such person or of his spouse, other than a relative referred to in subparagraph iv, who has the same home as such person.

(2) Subsection 1 of the said section 1 is amended by adding thereto the following paragraph:

R.S.O. 1970,
c. 426,
s. 1, subs. 1,
amended

6a. “distribution to the public”, used in relation to trading in securities, means,

- i. trades that are made for the purpose of distributing to the public securities issued by a

company

company and not previously distributed to the public, or

- ii. trades in previously issued securities for the purpose of distributing such securities to the public where the securities form all or a part of or are derived from the holdings of any person, company or any combination of persons or companies holding a sufficient number of any of the securities of a company to materially affect the control of such company, but any person, company or any combination of persons or companies holding more than 20 per cent of the outstanding equity shares in a company shall, in the absence of evidence to the contrary, be deemed to materially affect the control of such company,

whether such trades are made directly to the public or indirectly to the public through an underwriter or otherwise, and includes any transaction or series of transactions involving a purchase and sale or a repurchase and resale in the course of or incidental to such distribution.

R.S.O. 1970,
c. 426,
s. 1, subs. 1,
par. 13,
repealed

(3) Paragraph 13 of subsection 1 of the said section 1 is repealed.

R.S.O. 1970,
c. 426,
s. 1, subs. 1,
par. 25,
amended

(4) Paragraph 25 of subsection 1 of the said section 1 is amended by striking out "primary" in the fifth line, so that the paragraph shall read as follows:

- 25. "underwriter" means a person or company who, as principal, purchases securities from a person or company with a view to, or who as agent for a person or company offers for sale or sells securities in connection with, a distribution to the public of such securities, and includes a person or company who has a direct or indirect participation in any such distribution, but does not include a person or company whose interest in the transaction is limited to receiving the usual and customary distributors' or sellers' commission payable by an underwriter.

R.S.O. 1970,
c. 426,
s. 2, subs. 1,
amended

2. Subsection 1 of section 2 of *The Securities Act* is amended by striking out "five" in the third line and inserting in lieu thereof "seven", so that the subsection shall read as follows:

Commission

- (1) The Commission, which shall be responsible for the administration of this Act, shall be composed of a Chairman and not more than seven other members, one of whom shall be designated as Vice-Chairman.

3.—(1) Paragraph 1 of subsection 1 of section 19 of *The Securities Act* is amended by inserting after “Act” in the sixth line, “*The Business Corporations Act*”, so that the paragraph shall read as follows:

R.S.O. 1970,
c. 426, s. 19,
subs. 1, par. 1,
amended

1. A trade in a security by an executor, administrator, guardian or committee or by an authorized trustee or assignee, an interim or official receiver or a custodian under the *Bankruptcy Act* (Canada), or by a receiver under *The Judicature Act* or by a liquidator under *The Corporations Act*, *The Business Corporations Act*, or the *Winding-up Act* (Canada), or at a judicial sale.

R.S.C. 1952,
cc. 14, 296,
R.S.O. 1970,
cc. 228, 89, 53

(2) Paragraph 9 of subsection 1 of the said section 19 is repealed and the following substituted therefor:

R.S.O. 1970,
c. 426,
s. 19, subs. 1,
par. 9,
re-enacted

9. A trade in a security of a company that is exchanged by or for the account of such company with another company or the holders of the securities of such company in connection with,

- (a) a statutory amalgamation or arrangement;
- (b) any statutory procedure under which one company takes title to the assets of the other company which in turn loses its existence by operation of law, or under which the existing companies merge in a new company; or
- (c) a take-over bid as defined in Part IX.

9a. A trade in a security of a company in connection with an offer to purchase shares by way of private agreement with fewer than fifteen shareholders, or an offer to purchase all of the shares in a private company.

9b. A trade in a security by a company as consideration for a portion of or all of the assets of any person, other than an individual, or any company who agrees to hold the securities for investment only and not with a view to resale or distribution, if the fair value of the assets so purchased is not less than \$100,000.

9c. A trade by a company in the securities of its own issue to its promoters.

(3) Subsection 2 of the said section 19 is amended by adding thereto the following paragraph:

R.S.O. 1970,
c. 426,
s. 19, subs. 2,
amended

- 12a. Securities issued by a mining company or a mining exploration company as consideration for mining claims where the vendor enters into such escrow or pooling agreement as the Director considers necessary.

R.S.O. 1970,
c. 426, s. 26,
subs. 1,
amended

4. Subsection 1 of section 26 of *The Securities Act* is amended by inserting after "Act" where it occurs the second time in the twenty-sixth line, "*The Business Corporations Act*", so that the subsection shall read as follows:

Order to
hold or
refrain from
dealing
with funds

(1) The Commission may,

- (a) where it is about to order an investigation under section 21 or during or after an investigation under section 21 or 23;
- (b) where it is about to make or has made a direction, decision, order or ruling suspending or cancelling the registration of any person or company or affecting the right of any person or company to trade in securities; or
- (c) where criminal proceedings or proceedings in respect of a contravention of this Act or the regulations are about to be or have been instituted against any person or company, that in the opinion of the Commission are connected with or arise out of any security or any trade therein or out of any business conducted by such person or company,

in writing or by telegram direct any person or company having on deposit or under control or for safekeeping any funds or securities of the person or company referred to in clause *a*, *b* or *c* to hold such funds or securities or direct the person or company referred to in clause *a*, *b* or *c* to refrain from withdrawing any such funds or securities from any other person or company having any of them on deposit, under control or for safekeeping or to hold all funds or securities of clients or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act*, *The Business Corporations Act*, or the *Winding-up Act* (Canada), or until the Commission in writing revokes the direction or consents to release any particular fund or security from the direction, provided that no such direction applies to funds or securities in a stock exchange clearing house or to securities in process of transfer by a transfer agent unless the direction expressly so states, and in the case of a bank, loan or trust company, the direction applies only to the offices, branches or agencies thereof named in the direction.

R.S.C. 1952,
cc. 14, 296,
R.S.O. 1970,
cc. 228, 89, 53

5. Subsection 1 of section 28 of *The Securities Act* is amended by striking out "Director" in the third line and inserting in lieu thereof "Commission", so that the subsection shall read as follows:

R.S.O. 1970,
c. 426,
s. 28, subs. 1,
amended

- (1) Any person or company primarily affected by a direction, decision, order or ruling of the Director may, by notice in writing sent by registered mail to the Commission within thirty days after the mailing of the notice of the direction, decision, order or ruling, request and be entitled to a hearing and review thereof by the Commission.

Review by
Commission

6. Subsection 1 of section 35 of *The Securities Act* is amended by striking out "primary" in the third line.

R.S.O. 1970,
c. 426,
s. 35, subs. 1,
amended

7. Section 37 of *The Securities Act* is amended by striking out "primary" in the second line.

R.S.O. 1970,
c. 426, s. 37,
amended

8. Section 39 of *The Securities Act* is amended by striking out "primary" in the seventh line.

R.S.O. 1970,
c. 426, s. 39,
amended

9.—(1) Subsection 1 of section 54 of *The Securities Act* is amended by striking out "primary" in the first line and in the fourth line.

R.S.O. 1970,
c. 426,
s. 54, subs. 1,
amended

(2) Subsection 2 of the said section 54 is amended by striking out "primary" in the third line.

R.S.O. 1970,
c. 426,
s. 54, subs. 2,
amended

10. Section 55 of *The Securities Act* is amended by striking out "primary" in the second line.

R.S.O. 1970,
c. 426, s. 55,
amended

11. Section 56 of *The Securities Act* is amended by striking out "primary" in the first line.

R.S.O. 1970,
c. 426, s. 56,
amended

12. Section 57 of *The Securities Act* is amended by striking out "primary" in the third line.

R.S.O. 1970,
c. 426, s. 57,
amended

13.—(1) Subsection 1 of section 58 of *The Securities Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 426,
s. 58, subs. 1,
re-enacted

- (1) Section 35 does not apply to a trade in the course of a distribution to the public where,

Where s. 35
does not
apply

(a) the purchaser or proposed purchaser is a person or company referred to in paragraph 3 of subsection 1 of section 19 who purchases as principal for investment only and not with a view to resale or distribution;

(b)

- (b) the purchaser or proposed purchaser is a person or company referred to in subsection 3 of section 19 who purchases as principal;
- (c) the trade is one referred to in paragraphs 6, 8, 9, 9a, 9b, 9c and 10 of subsection 1 of section 19; or
- (d) the trade is made from one person or company registered for trading in securities to another person or company registered for trading in securities where the purchasing person or company is acting as principal.

Trades by
trust
companies
as trustees
R.S.O. 1970,
c. 254

- (1a) For the purposes of subsection 1, a trust company registered under *The Loan and Trust Corporations Act* shall be deemed to be acting as principal when it trades as trustee for accounts fully managed by it.

R.S.O. 1970,
c. 426,
s. 58, subs. 2,
amended

- (2) Subsection 2 of the said section 58 is amended by inserting after "to" in the first line "a distribution to the public of", so that the subsection, exclusive of the clauses, shall read as follows:

Idem

- (2) Section 35 does not apply to a distribution to the public of securities,

.

R.S.O. 1970,
c. 426, s. 59,
re-enacted

- 14.** Section 59 of *The Securities Act* is repealed and the following substituted therefor:

Trades
deemed
not a
distribution
to the
public

- 59.—(1) The Commission, where in its opinion to do so would not be prejudicial to the public interest, upon the application of an interested party may rule that, subject to such terms or conditions as the Commission may impose, a trade or an intended trade in a security shall be deemed not to be a distribution to the public.

Idem

- (2) Where the Commission determines under subsection 1 that a trade or an intended trade would not be a distribution to the public of the security, the Commission may rule that registration is not required in respect of such trade.

Determina-
tion of
whether a
primary
distribution
has
concluded

- (3) Where doubt exists whether a distribution to the public of any security has been concluded or is currently in progress, the Commission may determine the question and rule accordingly.

Rulings
final

- (4) A ruling of the Commission under this section is final and there is no appeal therefrom.

15.—(1) Subsection 1 of section 60 of *The Securities Act* is amended by striking out “primary” in the second line. R.S.O. 1970, c. 426, s. 60, subs. 1, amended

(2) Subsection 2 of the said section 60 is amended by striking out “primary” in the first line. R.S.O. 1970, c. 426, s. 60, subs. 2, amended

16. Clause *d* of subsection 1 of section 61 of *The Securities Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 426, s. 61, subs. 1, cl. d, re-enacted

(*d*) such escrow or pooling agreement as the Director considers necessary or advisable with respect to securities has not been entered into.

17.—(1) Subsection 1 of section 62 of *The Securities Act* is amended by striking out “primary” in the fourth line. R.S.O. 1970, c. 426, s. 62, subs. 1, amended

(2) Subsection 3 of the said section 62 is amended by striking out “primary” in the fourth line, and in the first line of clause *a*. R.S.O. 1970, c. 426, s. 62, subs. 3, amended

18.—(1) Subsection 1 of section 63 of *The Securities Act* is amended by striking out “primary” in the first line. R.S.O. 1970, c. 426, s. 63, subs. 1, amended

(2) Subsection 2 of the said section 63 is amended by striking out “primary” in the fourth line. R.S.O. 1970, c. 426, s. 63, subs. 2, amended

19. Subsection 1 of section 64 of *The Securities Act* is amended by striking out “primary” in the third line. R.S.O. 1970, c. 426, s. 64, subs. 1, amended

20.—(1) Subsection 1 of section 65 of *The Securities Act* is amended by striking out “primary” in the third line. R.S.O. 1970, c. 426, s. 65, subs. 1, amended

(2) Subsection 2 of the said section 65 is repealed and the following substituted therefor: R.S.O. 1970, c. 426, s. 65, subs. 2, re-enacted

(2) No action shall be commenced to enforce the right of rescission conferred by this section after the expiration of ninety days from the receipt of the prospectus or amended prospectus by the purchaser or from the date of the contract referred to in subsection 1, whichever is later. Period of limitation

(3) Subsection 7 of the said section 65 is amended by striking out “cause of action” in the first line and inserting in lieu thereof “right of rescission”, so that the subsection shall read as follows: R.S.O. 1970, c. 426, s. 65, subs. 7, amended

(7) The right of rescission conferred by this section is No in addition to and without derogation from any of rights derogation other right the purchaser may have at law.

R.S.O. 1970,
c. 426, s. 66,
amended

21. Section 66 of *The Securities Act* is amended by striking out "primary" in the second line.

R.S.O. 1970,
c. 426,
s. 81, cl. b,
re-enacted

22. Clause *b* of section 81 of *The Securities Act* is repealed and the following substituted therefor:

(b) "exempt offer" means,

- (i) an offer to purchase shares by way of private agreement with fewer than fifteen shareholders and not made to shareholders generally,
- (ii) an offer to purchase shares to be effected through the facilities of a stock exchange or in the over-the-counter market, where such purchases are reported in accordance with section 110*a*,
- (iii) an offer to purchase shares in a private company, or
- (iv) an offer exempted by order of the Commission made under section 90.

R.S.O. 1970,
c. 426,
s. 82,
pars. 3-7,
re-enacted

23. Paragraphs 3, 4, 5, 6 and 7 of section 82 of *The Securities Act* are repealed and the following substituted therefor:

- 3. Any shares deposited pursuant to a take-over bid may be withdrawn by or on behalf of an offeree at any time until the expiration of seven days from its date, but where the terms of the take-over bid are varied before the expiration thereof the offeree shall have an additional seven days from the date of their receipt of the varied offer to withdraw any shares deposited pursuant to the take-over bid.
- 4. Where a take-over bid is made for less than all the equity shares owned by offerees, shares deposited pursuant thereto shall not be taken up and paid for by an offeror until the expiration of twenty-one days from its date.
- 5. Where a take-over bid is made for less than all the equity shares owned by offerees, the period of time within which shares may be deposited pursuant to the take-over bid, or any extension thereof, shall not exceed thirty-five days from the date of the take-over bid.
- 6. Where a take-over bid is made for less than all the equity shares owned by offerees, shares deposited pursuant to the take-over bid shall be taken up and

paid

paid for, if all the terms and conditions thereof not waived by the offeror have been complied with, within fourteen days after the last day within which shares may be deposited pursuant thereto.

7. Where a take-over bid is made for less than all the equity shares owned by offerees and where a greater number of shares is deposited pursuant thereto than the offeror is bound or willing to take up and pay for, the shares taken up by the offeror shall be taken up as nearly as may be *pro rata*, disregarding fractions, according to the number of shares deposited by each offeree.
8. Where the laws applicable to the company provide for a right of appraisal or acquisition, the offeror shall advise the offeree of his rights of appraisal and whether the offeror intends exercising any right of acquisition he may have.
9. Where the offeror intends to purchase securities in the market, his intention shall be set out in the take-over bid circular and, where the take-over bid is made for less than all of the equity shares owned by the offeree, he shall not reduce the number of shares he is bound or willing to take up under paragraph 7 by the number of shares purchased in the market.
10. The offeror shall not attach any conditions to the offer except the right to withdraw the offer if the offerees fail to tender the minimum number of shares the offeror is bound and willing to take up or where the action of the board of directors of the offeree company subsequent to the date of the offer materially changes the undertakings, assets or capital of the offeree company.
11. Where the offer is made for all of the equity shares owned by offerees, the offeror shall, at the expiration of thirty-five days from the making of the offer, take up and pay for the shares tendered at that time or abandon his offer.

24. Section 87 of *The Securities Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 426, s. 87,
re-enacted

- 87.—(1) Where the board of directors of an offeree company recommends to offerees acceptance or rejection of a take-over bid made to such offerees, the board shall send or cause to be sent to each offeree with this communication a directors' circular, which shall contain the information prescribed by Division D of this Part.

Directors'
circular

Advising
shareholders

- (2) Where the board of directors is considering sending a circular under subsection 1, it may advise its shareholders of this fact and may advise them not to tender their shares until a further communication is received from the directors.

Idem

- (3) Where the board of directors elects to send a communication under subsection 2, it shall send a directors' circular at least seven days prior to the expiry of the offer.

Recom-
mendation
by
individual
director or
officer

- (4) An individual director or officer may recommend to offerees acceptance or rejection of a take-over bid made to such offerees if the director or officer sends or causes to be sent to each offeree with this communication a circular containing, *mutatis mutandis*, the information required by section 96 relating to his holdings and interest.

Sending
communi-
cations

- (5) All communications required or permitted by this section shall be sent to each offeree by prepaid mail at his last address as shown on the books of the company.

R.S.O. 1970,
c. 426,
amended

25. *The Securities Act* is amended by adding thereto the following section:

Certificate
where
take-over
bid by
company

- 89a.—(1) Subject to subsection 2, where a take-over bid is made by or on behalf of a company the take-over bid circular shall contain a certificate in the following form, signed by the chief executive officer, the chief financial officer and, on behalf of the board of directors, by any two directors of the company other than the foregoing, duly authorized to sign:

“The foregoing constitutes full, true and plain disclosure of all material facts relating to the take-over bid made by this circular as required by Part IX of *The Securities Act*, and the regulations thereunder.”

Idem

- (2) Where the company has only three directors, two of whom are the chief executive officer and the chief financial officer, the certificate may be signed by all the directors of the company.

Certificate
where
take-over bid
by person

- (3) Where a take-over bid is made by a person, the circular shall be certified in the form set out in subsection 1 by the person making the offer.

Certificate
where
take-over
bid by
undisclosed
principal

- (4) Where the take-over bid is made on behalf of an undisclosed principal, as permitted by section 92, the circular shall be certified in the form set out in subsection 1 by the agent making the offer.

26. Section 90 of *The Securities Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 426, s. 90,
re-enacted

90. Any person or company may apply to the Commission for an order declaring a take-over bid to be an exempt offer and the Commission may, where in its opinion such an order would not be prejudicial to the public interest, upon such terms or conditions as it may impose, deem the proposed offer to be exempt.

Application
to disclose
bid to
be an
exempt
offer

27. Section 92 of *The Securities Act* is amended by adding thereto the following subsection:

R.S.O. 1970,
c. 426, s. 92,
amended

- (2) Where a take-over bid is made for less than all of the outstanding equity shares owned by offerees, the identity of the offeror shall be disclosed in the take-over bid circular.

Naming of
offeror

28. Section 99 of *The Securities Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 426, s. 99,
re-enacted

- 99.—(1) Subject to subsection 2, where a directors' circular is sent to offerees under subsection 1 of section 87 it shall contain a certificate in the following form, signed by the chief executive officer, the chief financial officer and, on behalf of the board of directors, by any two directors of the company other than the foregoing, duly authorized to sign:

Certificate
on directors'
circular

"The foregoing constitutes full, true and plain disclosure of all material facts relating to the take-over bid as required by sections 96 to 98 of *The Securities Act*, and the regulations thereunder."

- (2) Where the company has only three directors, two of whom are the chief executive officer and the chief financial officer, the certificate may be signed by all the directors of the company.
- (3) Where a circular is sent out to offerees under subsection 4 of section 87, it shall be certified by the individual director or officer in the form set out in subsection 1.

Idem

Certificate
of circular
of individual
director or
officer

29. *The Securities Act* is amended by adding thereto the following section:

R.S.O. 1970,
c. 426,
amended

RIGHT OF RESCISSION

Grounds for
rescission
by offeree

100a.—(1) An offeree who is a party to a contract resulting from a take-over bid has a right to rescind the contract if the take-over bid circular forwarded in compliance with this Part received by the offeree, as of the date of receipt, contains an untrue statement of a material fact or omits to state a material fact necessary in order to make any statement contained therein not misleading in the light of the circumstances in which it was made.

Limitation
of action

(2) No action shall be commenced to enforce the right of rescission conferred by this section after the expiration of ninety days from the receipt of the take-over bid circular or amended circular or from the date of the contract referred to in subsection 1, whichever is later.

Exceptions

(3) Subsection 1 does not apply to untrue statements of a material fact or an omission to state a material fact,

(a) if the untruth of such statements or the fact of such omission was unknown to the offeror and, in the exercise of reasonable diligence, could not have been known to the offeror; or

(b) if the offeree knew of the untruth of the statement or knew of the omission at the time he tendered his securities to the offeror.

Receipt
by mail

(4) For the purpose of this section, where a take-over bid circular or amended circular is sent by prepaid mail it shall be deemed to be received in the ordinary course of mail by the person or company to whom it was addressed.

Right of
rescission
in addition
to other
rights

(5) The right of rescission conferred by this section is in addition to and without derogation from any other right the offeree may have at law.

Circular
to contain
notice of
right of
rescission

(6) Every take-over bid circular shall contain a statement of the right of rescission provided by this section.

R.S.O. 1970,
c. 426,
s. 101, cl. a,
subcl. i,
amended

30.—(1) Subclause i of clause a of section 101 of *The Securities Act* is amended by striking out “primary” in the third line.

(2) Subclause iii of clause *a* of the said section 101 is amended by inserting after “*Act*” in the third line “or *The Business Corporations Act*”, so that the subclause shall read as follows: R.S.O. 1970,
c. 426,
s. 101, cl. a,
subcl. iii,
amended

- (iii) a company incorporated by or under a general or special Act of the Legislature or a company to which Part II of *The Corporations Act* or *The Business Corporations Act* applies, or R.S.O. 1970,
cc. 89, 53

31. Subsection 2 of section 109 of *The Securities Act* is amended by striking out “and” at the end of clause *a*, by adding “and” at the end of clause *b* and by adding thereto the following clause: R.S.O. 1970,
c. 426,
s. 109, subs. 2,
amended

- (c) for the purpose of reporting under section 110 or 110*a*, ownership shall be deemed to pass at such time as an offer to sell is accepted by the purchaser or his agent or an offer to buy is accepted by the vendor or his agent.

32. *The Securities Act* is amended by adding thereto the following section: R.S.O. 1970,
c. 426,
amended

110*a*.—(1) Where an offeror as defined in Part IX becomes an insider under this Part or *The Business Corporations Act* and through purchases effected through the facilities of a stock exchange or in the over-the-counter market becomes the beneficial owner, directly or indirectly, of equity shares of a corporation carrying 20 per cent or more of the voting rights attached to all equity shares of the corporation for the time being outstanding, such offeror, within three days of acquiring such 20 per cent ownership, shall file with the Commission a report as of the day on which he attained such ownership. Report by
offeror

- (2) An offeror required to file a report under subsection 1 shall, within three days of purchasing further equity shares carrying an additional 5 per cent of the voting rights through the facilities of a stock exchange or in the over-the-counter market file with the Commission a report as of the day on which he attained the additional 5 per cent of the voting rights and thereafter each time he acquires a further 5 per cent. Idem

Idem

- (3) Where the facts required to be reported by this section are identical to those required under section 110, a separate report under section 110 is not required.

R.S.O. 1970,
c. 426,
s. 111, subs. 1,
amended

33. Subsection 1 of section 111 of *The Securities Act* is amended by striking out "section 110" in the first and second lines and inserting in lieu thereof "sections 110 and 110a", so that the subsection shall read as follows:

Reports
may be
inspected

- (1) All reports filed with the Commission under sections 110 and 110a or any predecessor thereof shall be open to public inspection at the offices of the Commission during normal business hours of the Commission, and any person may make extracts from such reports.

R.S.O. 1970,
c. 426,
s. 112, subs. 1,
amended

34.—(1) Subsection 1 of section 112 of *The Securities Act* is amended by inserting after "110" in the second line "or 110a", so that the subsection shall read as follows:

Offence

- (1) Every person or company who is required to file a report under section 110 or 110a and fails so to do is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000, and, where a company fails to so report, every director or officer of such company who authorized, permitted or acquiesced in such failure is also guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

R.S.O. 1970,
c. 426,
s. 112, subs. 2,
amended

(2) Subsection 2 of the said section 112 is amended by striking out "subsection 1 or 2 of section 110" in the first and second lines and inserting in lieu thereof "section 110 or 110a", so that the subsection shall read as follows:

Idem

- (2) Every person or company who files a report under section 110 or 110a that is false or misleading by reason of the misstatement or omission of any material fact is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000, and, where a company files a false or misleading report, every director or officer of such company who authorized, permitted or acquiesced in the filing of such false or misleading report is also guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

R.S.O. 1970,
c. 426,
s. 115, cl. a,
amended

35. Clause a of section 115 of *The Securities Act* is amended by striking out "section 110" in the second line and inserting in lieu thereof "sections 110 and 110a", so that the clause shall read as follows:

(a)

- (a) prescribing the form and content of the reports required to be filed under sections 110 and 110a.

36. Subsection 1 of section 116 of *The Securities Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 426,
s. 116, subs. 1,
re-enacted

- (1) Upon the application of an interested person or company, the Commission may, Conflict

- (a) if a requirement of section 110 or 110a conflicts with a requirement of the laws of the jurisdiction in which a corporation is incorporated; or
- (b) if the laws of the jurisdiction to which the corporation is subject contain substantially similar requirements as contained in sections 110 and 110a; or
- (c) if otherwise satisfied in the circumstances of the particular case that there is adequate justification for so doing,

make an order on such terms and conditions as seem to the Commission just and expedient exempting, in whole or in part, a person or company from the requirements of sections 110 and 110a.

37.—(1) Subsection 1 of section 118 of *The Securities Act* is amended by adding thereto the following clauses:

R.S.O. 1970,
c. 426,
s. 118, subs. 1,
amended

- (aa) “basic earnings per share” means the amount of income attributable to each outstanding share that carries as an incident of ownership the right to participate in earnings to an unlimited degree, calculated in the manner prescribed by the regulations;

.

- (c) “fully diluted earnings per share” means the amount of income attributable to each share that would, if all potential conversions, exercises and contingent issuances had occurred during the period, be outstanding and have as an incident of ownership the right to participate in earnings to an unlimited degree, calculated in the manner prescribed by the regulations.

(2) Subclause i of clause b of subsection 1 of the said section 118 is amended by striking out “primary” in the third line.

R.S.O. 1970,
c. 426,
s. 118, subs. 1,
cl. b, subcl. i,
amended

R.S.O. 1970,
c. 426,
s. 118, subs. 1,
cl. b, subcl. iii,
amended

(3) Subclause iii of clause *b* of subsection 1 of the said section 118 is amended by inserting after "*Act*" in the third line "*or The Business Corporations Act*", so that the subclause shall read as follows:

(iii) a company incorporated by or under a general or special Act of the Legislature or a company to which Part II of *The Corporations Act* or *The Business Corporations Act* applies.

R.S.O. 1970,
c. 426,
cc. 89, 53

R.S.O. 1970,
c. 426,
s. 118, subs. 2,
amended

(4) Subsection 2 of the said section 118 is amended by striking out "primary" in the third line.

R.S.O. 1970,
c. 426, s. 120,
subss. 3, 4,
repealed

38. Subsections 3 and 4 of section 120 of *The Securities Act* are repealed.

R.S.O. 1970,
c. 426,
s. 121, subs. 1,
amended

39.—(1) Subsection 1 of section 121 of *The Securities Act* is amended by striking out "and" at the end of clause *i* and by adding thereto the following clauses:

(*k*) the basic earnings per share for the current and preceding year for,

(i) income before extraordinary items, and

(ii) net income for the period; and

(*l*) fully diluted earnings per share for the current year for,

(i) income before extraordinary items, and

(ii) net income for the period,

.

R.S.O. 1970,
c. 426,
s. 121, subs. 3,
repealed

(2) Subsection 3 of the said section 121 is repealed.

R.S.O. 1970,
c. 426, s. 126,
amended

40. Subsection 3 of section 126 of *The Securities Act* is amended by adding thereto the following paragraphs:

16. Where the corporation has,

i. in the course of a financial period, carried on business of two or more classes that, in the opinion of its directors, differ substantially from each other and the corporation is not one that has any subsidiaries at the end of that financial period, or if it has one or more

subsidiaries

subsidiaries, does not prepare its financial statement in consolidated form in respect of any subsidiary, or

- ii. has one or more subsidiaries at the end of its financial period and prepares its financial statement in consolidated form in respect of any of the subsidiaries, if the corporation and any of the subsidiaries carried on between them in the course of the period business of two or more classes that, in the opinion of the directors of the corporation, differ substantially from each other,

a statement of the proportions in which the amount of sales or gross revenue for that period, so far as stated in the financial statement in respect of that period, is divided among those classes of business but for the purposes of subparagraphs i and ii,

- iii. classes of business that, in the opinion of the directors, do not differ substantially from each other shall be treated as one class, and
 - iv. a corporation having gross sales and revenues exceeding \$25,000,000 need only report in respect of a class of business that contributes 10 per cent or more of the total gross revenue of the corporation and a corporation having gross sales and revenues of \$25,000,000 or less need only report in respect of a class of business that contributes 15 per cent or more of the total gross revenue of the corporation.
- 17. Where there has been a business combination or acquisition arrived at through private agreements, statutory amalgamations, statutory arrangements or statutory procedures, a take-over bid as defined in Part IX, asset purchases or other methods of materially adding to or combining with an existing business, the details thereof in accordance with the acquisition equation prescribed by the regulations.
 - 18. Where securities have been issued to acquire assets, the proportion of the total securities outstanding, expressed as a percentage, represented by the securities issued to make the acquisition.
 - 19. Where the pooling of interest method is used to account for a business combination or acquisition,

an earnings history for at least two years as though the companies were pooled for the years covered by such history, set out alongside the earnings history of the acquiring company.

R.S.O. 1970,
c. 426,
s. 130, subs. 1,
cl. b,
amended

41.—(1) Clause *b* of subsection 1 of section 130 of *The Securities Act* is amended by striking out “and” at the end of subclause iv and by adding thereto the following subclauses:

(vi) the basic earnings per share for income before extraordinary items and for net income for the period, and

(vii) fully diluted earnings per share for income before extraordinary items and for net income.

R.S.O. 1970,
c. 426,
s. 130, subs. 3,
repealed

(2) Subsection 3 of the said section 130 is repealed.

R.S.O. 1970,
c. 426,
s. 131, subs. 4,
re-enacted

42. Subsection 4 of section 131 of *The Securities Act* is repealed and the following substituted therefor:

Idem

(4) Where a corporation complies with this Part by complying with subsection 1, the financial statements and the auditor's reports thereon, the interim financial statements and the additional financial information referred to in clauses *a* and *b* of subsection 1 shall be sent to the Commission,

(a) on the same date as such financial statements are mailed by the corporation to its shareholders; or

(b) so as to reach the Commission within 170 days of the date to which such financial statements are made up or, in the case of interim financial statements, within sixty days of the date to which the interim financial statements are made up,

whichever is earlier.

R.S.O. 1970,
c. 426,
s. 132, subs. 1,
re-enacted

43. Subsection 1 of section 132 of *The Securities Act* is repealed and the following substituted therefor:

Order of
Commission
relieving
against
certain
requirements

(1) Upon the application of a corporation, the Commission may, where in the opinion of the Commission to do so would not be prejudicial to the public interest, make an order on such terms and conditions as the Commission may impose,

(a)

- (a) permitting the omission of,
 - (i) financial statements relating separately to the period covered by the financial year next preceding the latest completed financial year referred to in clause *b* of subsection 1 of section 120,
 - (ii) sales or gross operating revenue referred to in clause *a* of subsection 1 of section 121 or subclause *i* of clause *b* of subsection 1 of section 130 from the statement of profit and loss or the interim financial statement, as the case may be, where the Commission is satisfied that the disclosure of such information would be unduly detrimental to the interests of the corporation,
 - (iii) the basic earnings per share or fully diluted earnings per share referred to in clauses *k* and *l* of subsection 1 of section 121, or in subclauses *vi* and *vii* of clause *b* of subsection 1 of section 130 from the statement of profit and loss or the interim financial statement, as the case may be,
 - (iv) the information relating to the comparable period referred to in subsection 1 of section 130;
- (b) where, in the opinion of the Commission, the corporation is unable to comply with the requirements of section 123, permitting the corporation to file in lieu thereof an alternative statement containing such information, if any, as the Commission considers appropriate;
- (c) exempting, in whole or in part, the corporation from the requirements of this Part,
 - (i) if such a requirement conflicts with a requirement of the laws of the jurisdiction in which the corporation is incorporated, or
 - (ii) if the laws of the jurisdiction to which

the

the corporation is subject contain substantially similar requirements as contained in this Part, or

- (iii) if otherwise satisfied in the circumstances of the particular case that there is adequate justification for so doing.

R.S.O. 1970,
c. 426, s. 134,
re-enacted

44. Section 134 of *The Securities Act* is repealed and the following substituted therefor:

Material
to be filed
by certain
companies
R.S.O. 1970,
cc. 89, 53

134.—(1) A company that is subject to sections 97 to 111 of *The Corporations Act* or sections 167 to 185 of *The Business Corporations Act* shall file with the Commission its financial statements, auditor's reports thereon and interim financial statements that are required to be mailed by the company to its shareholders.

Time of
filing

- (2) The financial statements, auditor's reports thereon and interim financial statements referred to in subsection 1 shall be sent to the Commission on the same date such statements are mailed or required to be mailed by the company to its shareholders, whichever is earlier.

R.S.O. 1970,
c. 426,
amended

45. *The Securities Act* is amended by adding thereto the following section:

Con-
sequence of
false state-
ment in
information
circular

144a. Where a circular has been sent to the offerees or the shareholders of an offeree company as required by Part IX, every person or company to whom such circular was sent shall be deemed to have relied upon the statements made in the circular and, if a material false statement is contained in a circular, each person who at the time the circular was signed was a director of the company on whose behalf the circular was signed and each person who was required to sign a certificate under section 89a or section 99 is liable to pay compensation to all shareholders of the company whose shares are the subject of the take-over bid for any loss or damage such shareholders have sustained as a result of such material false statement unless it is proved,

- (a) that the circular was prepared and sent without his knowledge or consent, and that, on becoming

becoming aware of its being sent, he forthwith gave reasonable public notice that it was so sent without his knowledge or consent;

- (b) that, before the statement was relied or acted upon, on becoming aware of any false statement therein, he withdrew his consent thereto and gave reasonable public notice of such withdrawal and of the reasons therefor;
- (c) that, with respect to every false statement, he had reasonable grounds to believe and did believe that the statement was true;
- (d) that he had no reasonable grounds to believe that an expert who made a statement in a circular or whose report or valuation was produced or fairly summarized therein was not competent to make such statement, valuation or report; or
- (e) that, with respect to every false statement purporting to be a statement made by an official person or contained in what purports to be a copy of or extract from a public official document, it was a correct and fair representation of the statement or copy of or extract from the document.

46. Section 147 of *The Securities Act* is amended by adding thereto the following clause: R.S.O. 1970,
c. 426, s. 147,
amended

- (sa) prescribing the manner of calculating basic earnings per share and fully diluted earnings per share for the purposes of clauses *aa* and *c* of subsection 1 of section 118.

47. This Act comes into force on the day it receives Commence-
ment
Royal Assent.

48. This Act may be cited as *The Securities Amendment Act, 1971*. Short title

CHAPTER 32

An Act to amend The Trustee Act*Assented to July 9th, 1971**Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 of section 36 of *The Trustee Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 470, s. 36,
subs. 6,
re-enacted

- (6) Where an infant, mentally incompetent person or person of unsound mind is entitled to any money, the person by whom the money is payable, upon delivering to the Official Guardian and to the Accountant of the Supreme Court affidavits setting out,

Moneys to
which
infant or
mentally
incompetent
person
entitled

- (a) the facts entitling the person to the money;
- (b) the date of the birth of the person entitled to the money if the person is an infant;
- (c) the full name and the full postal address of the person entitled to the money; and
- (d) the name and the full postal address of the person with whom the person entitled to the money resides,

may pay the money into the Supreme Court to the credit of the infant, mentally incompetent person or person of unsound mind and this is a sufficient discharge for the money so paid into court.

2. Section 38 of *The Trustee Act* is amended by adding thereto the following subsections:

R.S.O. 1970,
c. 470, s. 38,
amended

- (2a) Where a writ is issued naming as a defendant a person who was deceased at the time of the issue of the writ, a judge of the court out of which the writ was issued may, on such notice as he considers proper and

Continuance
of actions
commenced
against
deceased
persons

and on being satisfied that the writ was issued in good faith against the deceased person without knowledge of his death, make an order validating the writ as if that person had been alive at the time the writ was issued and died immediately thereafter.

Terms of
order

(2b) Upon making an order under subsection 2a, the judge may impose,

(a) a term that an executor or administrator shall not be personally liable in respect of any part of the estate of the deceased person that he has distributed or otherwise dealt with in good faith while not aware that a writ naming the deceased had been issued; and

(b) such other terms and conditions as in the circumstances of the action seem just.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Trustee Amendment Act, 1971*.

CHAPTER 33

**An Act to amend
The Venereal Diseases Prevention Act**

*Assented to July 9th, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *g* of section 1 of *The Venereal Diseases Prevention Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 479, s. 1,
cl. *g*,
re-enacted

(*g*) "venereal disease" means syphilis, gonorrhoea, chan-
croid, granuloma inguinale or lymphogranuloma
venereum.

2. Section 3 of *The Venereal Diseases Prevention Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 479, s. 3,
re-enacted

3.—(1) It is the duty of,

Duty to
report

(*a*) every physician;

(*b*) every superintendent or head of a hospital,
sanatorium or laboratory; and

(*c*) every person in medical charge of any
correctional institution, lock-up, training
school, school or college or other similar
institution,

to report within twenty-four hours every case of
venereal disease coming under his diagnosis, treat-
ment, care or charge for the first time to the
medical officer of health in the locality in which such
diagnosis, treatment, care or charge is made.

(2) Every person required to report a case of venereal
disease under subsection 1 shall make such report in
writing, by telephone, or in person to the medical
officer of health.

Method of
reporting

(3)

Report to
Minister

- (3) The report referred to in subsection 2 shall within one week of being received by the medical officer of health be forwarded in the prescribed form to the Minister.

R.S.O. 1970,
c. 479, s. 5,
subs. 1,
re-enacted

3. Subsection 1 of section 5 of *The Venereal Diseases Prevention Act* is repealed and the following substituted therefor:

Authority
of M.O.H.

- (1) Where,

(a) any person has been named under oath as a source or contact of venereal disease or is believed by the medical officer of health to be a source or contact of such venereal disease; and

(b) in the opinion of the medical officer of health the clinical findings and history of such person indicate that such person is or may be infected with venereal disease,

the medical officer of health may, whether or not laboratory findings indicate the presence of venereal disease, proceed in the manner prescribed in clauses *a* and *b* of subsection 3 of section 4.

R.S.O. 1970,
c. 479,
amended

4. *The Venereal Diseases Prevention Act* is amended by adding thereto the following section:

Consent of
persons 16
or over to
treatment

20a.—(1) The consent only of any person of the age of sixteen years or over to being examined or treated or both for venereal disease shall be deemed to be sufficient consent for such purposes and where such consent is given no action or other proceeding lies against a physician for acting upon such consent.

Under 16

- (2) No action or other proceeding lies against a physician for acting upon a consent given by a person under sixteen years of age to be examined or treated or both for venereal disease if the physician had no reason to believe that the person giving the consent was under sixteen years of age.

Commence-
ment

5. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

6. This Act may be cited as *The Venereal Diseases Prevention Amendment Act, 1971*.

CHAPTER 34

An Act to amend The Nursing Homes Act

Assented to July 9th, 1971

Legislature Dissolved September 13th, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Nursing Homes Act* is amended by adding thereto the following clauses:

R.S.O. 1970,
c. 302, s. 1,
amended

(aa) "Board" means the Nursing Homes Review Board established under section 6;

(ba) "Director" means an officer of the Department designated by the Minister as Director for the purposes of this Act.

2. Subsection 2 of section 2 of *The Nursing Homes Act* is repealed.

R.S.O. 1970,
c. 302, s. 2,
subs. 2,
repealed

3. Sections 5, 6, 7, 8, 9 and 10 of *The Nursing Homes Act* are repealed and the following substituted therefor:

R.S.O. 1970,
c. 302, ss. 5-10,
re-enacted

5.—(1) Any person who applies in accordance with this Act and the regulations for a licence to establish, maintain and operate a nursing home and pays the prescribed fee is entitled to be issued the licence by the Director if,

Issuance
of licence

(a) its establishment, maintenance and operation serves public necessity and convenience; and

(b) the applicant and the proposed nursing home comply with the requirements of this Act and the regulations.

(2) The Director may revoke or refuse to renew a licence under this Act,

Revocation
and refusal
to renew

(a)

- (a) if the licensee is in contravention of this Act or the regulations; or
- (b) if in the opinion of the Director the nursing home is operated in a manner that is prejudicial to the health, safety or welfare of the residents cared for therein.

Nursing
Homes
Review
Board
established

- 6.—(1) The Nursing Homes Review Board is established and shall be composed of not fewer than three and not more than five members who shall be appointed by the Lieutenant Governor in Council, one of whom shall be appointed as chairman.

Quorum

- (2) Three members of the Board constitute a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Board.

Remunera-
tion and
expenses

- (3) The members of the Board who are not employed in the public service of Ontario shall be paid such remuneration and expenses as are determined by the Lieutenant Governor in Council.

Proposal
to refuse
to issue
or to revoke

- 7.—(1) Where the Director proposes to refuse to issue or renew or to revoke a licence under this Act, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or licensee.

Notice

- (2) A notice under subsection 1 shall inform the applicant or licensee that he is entitled to a hearing by the Board if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Director and the Board and he may so require such a hearing.

Powers of
Director
where no
hearing

- (3) Where an applicant or licensee does not require a hearing by the Board in accordance with subsection 2, the Director may carry out the proposal stated in his notice under subsection 1.

Powers of
Board
where
hearing

- (4) Where an applicant or licensee requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time for and hold the hearing and, on the application of the Director at the hearing, may by order direct the Director to carry out his proposal or refrain from carrying out his proposal and to take such action as the Board considers the Director ought to take in accordance with this Act and the regulations, and for such

purposes

purposes the Board may substitute its opinion for that of the Director.

- (5) The Board may extend the time for the giving of notice requiring a hearing by an applicant or licensee under this section either before or after expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension and the Board may give such directions as it considers proper consequent upon the extension. Extension of time for requiring hearing
- (6) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue, Continuation of licence pending renewal
- (a) until the renewal is granted; or
- (b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Board has expired and, where a hearing is required, until the Board has made its decision.
- 8.—(1) The Director, the applicant or licensee who has required the hearing and such other persons as the Board may specify are parties to proceedings before the Board under this Act. Parties
- (2) Notice of a hearing under section 7 shall afford the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence. Notice of hearing
- (3) An applicant or licensee who is a party to proceedings under section 7 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence
- (4) Members of the Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or

indirectly

indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording
of evidence

- (5) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings
of fact

- (6) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. 47

Only
members at
hearing to
participate
in decision

- (7) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Release of
documentary
evidence

- (8) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined.

Appeal to
court

- 9.—(1) Any party to the proceedings before the Board may appeal from its decision or order to the Supreme Court in accordance with the rules of court.

Record to
be filed
in court

- (2) Where any party appeals from a decision or order of the Board, the Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Board's record, shall constitute the record in the appeal.

Minister
entitled to
be heard

- (3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

- (4) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Board and may exercise all powers of the Board to direct the Director to take any action which the Board may direct him to take and as the court considers proper and for such purposes the court may substitute its opinion for that of the Director or of the Board, or the court may refer the matter back to the Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Powers of
court on
appeal

10. Except where otherwise provided, any notice required by this Act to be served may be served personally or by registered mail addressed to the person to whom notice is to be given at his latest known address and, where notice is served by registered mail, the service shall be deemed to have been made on the third day after the day of mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date.

Service
of notice

4. Every person who is licensed to establish, maintain and operate a nursing home immediately before the 9th day of July, 1971 shall be deemed to continue to be licensed under *The Nursing Homes Act, 1966*, as amended by *The Nursing Homes Amendment Act, 1971*.

Continuation
of licences

1966, c. 99

5. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

6. This Act may be cited as *The Nursing Homes Amendment Act, 1971*.

Short title

CHAPTER 35

An Act to amend The Liquor Licence Act*Assented to July 9th, 1971**Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 5 of section 1 of *The Liquor Licence Act* is amended by striking out “with meals” in the seventh line, so that the clause shall read as follows:

R.S.O. 1970,
c. 250, s. 1,
par. 5,
amended

5. “dining lounge” means the part of an establishment that has the special accommodation, facilities and equipment that are prescribed by the regulations where, in consideration of payment, food and the special services that are prescribed by the regulations are regularly furnished to the public and liquor is served.

(2) Paragraph 6 of the said section 1 is repealed and the following substituted therefor:

R.S.O. 1970,
c. 250, s. 1,
par. 6,
re-enacted

6. “dining room” means the part of an establishment that has the special accommodation, facilities and equipment that are prescribed by the regulations where, in consideration of payment, food and the special services that are prescribed by the regulations are regularly furnished to the public, and beer and wine is served.

2.—(1) Paragraph 1 of subsection 1 of section 21 of *The Liquor Licence Act* is amended by striking out “with meals” in the second line and inserting in lieu thereof “where food is available”, so that the paragraph shall read as follows:

R.S.O. 1970,
c. 250, s. 21,
subs. 1,
par. 1,
amended

1. Dining lounge licence, for the sale and consumption of liquor where food is available.

(2) Paragraph 2 of subsection 1 of the said section 21 is amended by striking out “with meals” in the second line and

R.S.O. 1970,
c. 250, s. 21,
subs. 1,
par. 2,
amended

inserting

inserting in lieu thereof "where food is available", so that the paragraph shall read as follows:

2. Dining room licence, for the sale and consumption of beer and wine where food is available.

R.S.O. 1970,
c. 250, s. 31,
re-enacted

3. Section 31 of *The Liquor Licence Act* is repealed and the following substituted therefor:

Disclosure
of informa-
tion by
corporate
applicant

31.—(1) Each director of a corporation that applies for the issue, renewal or transfer to it of a licence, shall, at the time of making any such application, fully disclose,

- (a) the details of all financing arrangements connected with the premises sought to be licenced and connected with the land, chattels and stock in trade to be used in conjunction with such premises;
- (b) the name of any shareholder who he is aware or ought to be aware beneficially owns, directly or indirectly, or who exercises control or direction over 10 per cent or more of those shares of the applicant corporation to which any voting rights are attached; and
- (c) the name of any person who he is aware or ought to be aware beneficially owns, directly or indirectly, or who exercises control or direction over 10 per cent or more of the shares to which any voting rights are attached of a corporation that owns shares of the applicant corporation and the name of which is required to be disclosed under clause *b*.

Idem

- (2) Each director of a corporation licenced under this Act shall forthwith inform the Board of all and any changes of which he is aware or ought to be aware in the beneficial ownership of, or control or direction over, shares resulting in an ownership by any shareholder or person that would be required to be disclosed under subsection 1 if the licensed corporation were an applicant for a licence.

R.S.O. 1970,
c. 250, s. 64,
subs. 5,
re-enacted

4. Subsection 5 of section 64 of *The Liquor Licence Act* is repealed and the following substituted therefor:

- (5) Where a corporation is convicted of an offence under subsection 1, 2, 3 or 4 other than for a contravention of section 60, the maximum penalty that may be imposed is \$25,000 and not as provided therein. Corporations

5.—(1) Paragraphs 7 and 8 of subsection 1 of section 73 of *The Liquor Licence Act* are repealed and the following substituted therefor: R.S.O. 1970,
c. 250, s. 73,
subs. 1,
pars. 7, 8,
re-enacted

7. Are you in favour of the sale of beer and wine only under a dining room licence for consumption on licensed premises with food available?
8. Are you in favour of the sale of liquor under a dining lounge licence for consumption on licensed premises with food available?

(2) Any licences issued under paragraph 1 or 2 of subsection 1 of section 21 of *The Liquor Licence Act* and in effect immediately before the 9th of July, 1971 remain in effect for the purposes as amended by section 2 of this Act, notwithstanding that no affirmative vote has been taken thereon under paragraph 7 or 8 of subsection 1 of section 73 of *The Liquor Licence Act*, as re-enacted by subsection 1 of this section, and subject to section 74 of *The Liquor Licence Act*. Existing
dining room
and dining
lounge
licences
continue
without
new vote

6. Paragraphs 7 and 8 of subsection 1 of section 74 of *The Liquor Licence Act* are repealed and the following substituted therefor: R.S.O. 1970,
c. 250, s. 74,
subs. 1,
pars. 7, 8,
re-enacted

7. Are you in favour of the continuance of the sale of beer and wine only under a dining room licence for consumption on licensed premises where food is available?
8. Are you in favour of the continuance of the sale of liquor under a dining lounge licence for consumption on licensed premises where food is available?

7. This Act comes into force on the day it receives Royal Assent. Commence-
ment

8. This Act may be cited as *The Liquor Licence Amendment Act, 1971*. Short title

CHAPTER 36

An Act to amend The Liquor Control Act

*Assented to July 9th, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 20 of subsection 1 of section 1 of *The Liquor Control Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 249, s. 1,
subs. 1,
par. 20,
re-enacted

20. "residence" means,

- i. a building or part of a building that is *bona fide* and actually occupied and used as a dwelling together with any rooms, areas or facilities used in conjunction with the dwelling, whether indoors or outdoors and whether used in common with other persons or not,
- ii. a trailer, mobile home or tent that is *bona fide* and actually occupied as a dwelling together with the land immediately appurtenant thereto that is used in conjunction with the trailer, mobile home, or tent,
- iii. a private guest room in a hotel or motel that is *bona fide* and actually occupied by a guest of the hotel or motel,
- iv. a vessel that is *bona fide* and actually occupied as a dwelling.

2. Subsection 2 of section 23 of *The Liquor Control Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 249, s. 23,
subs. 2,
re-enacted

- (2) The Board may fix the prices at which the various classes, varieties and brands of liquor are to be sold, and, except in the case of beer, and in the case of liquor sold through an outlet designated by the Minister of

National

R.S.C. 1952,
c. 99

National Revenue under the *Excise Act* (Canada) as a duty free sales outlet, such prices shall be the same at all Government stores.

R.S.O. 1970,
c. 249, s. 90,
subs. 3,
re-enacted

3. Subsection 3 of section 90 of *The Liquor Control Act* is repealed and the following substituted therefor:

Corporations

(3) Where a corporation is convicted of an offence under this section, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

R.S.O. 1970,
c. 249, s. 91,
subs. 2,
re-enacted

4. Subsection 2 of section 91 of *The Liquor Control Act* is repealed and the following substituted therefor:

Corporations

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Liquor Control Amendment Act, 1971*.

CHAPTER 37

The Tile Drainage Act, 1971*Assented to July 9th, 1971**Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) “drainage work” means a drainage system constructed of tile, pipe or tubing of any material beneath the surface of agricultural land, including integral inlets and outlets, for the purpose of improving the productivity of the land drained;
- (b) “municipality” means a city, town, village, township or improvement district;
- (c) “prescribed” means prescribed by the regulations made under this Act.

2.—(1) Subject to sections 64 and 65 of *The Ontario Municipal Board Act*, the council of a municipality may pass by-laws in the prescribed form authorizing the borrowing of money from the Treasurer of Ontario for the purpose of lending the money for the construction of drainage works and the issuance of debentures in the prescribed form by the municipality or by a district or regional municipality on its behalf.

Borrowing
powers of
municipali-
ties
R.S.O. 1970,
c. 323

(2) Within four weeks after the passing of a by-law under subsection 1, the clerk of the municipality shall register a duplicate original or a copy of it, certified under his hand and the seal of the municipal corporation, in the registry office for the registry division in which the municipality is situate or, if the municipality comprises two or more registry divisions, in one of them.

Registration
of by-law

(3) Every by-law registered in accordance with subsection 2, unless an application or action to quash the by-law is

When by-law
to be valid,
where no
application
to quash

made

made or brought in a court of competent jurisdiction within four weeks after the registration, is valid and binding according to its terms.

Where
application
to quash
dismissed

(4) If an application or action to quash the by-law is made or brought within four weeks of the registration of the by-law and is dismissed, a certificate of the dismissal shall be registered in the registry office in which the by-law was registered, and, after such dismissal, the by-law is valid and binding according to its terms.

Offer to
sell
debentures
to the
Province

(5) After the expiration of four weeks from registration of the by-law under subsection 2, a certified copy of the by-law shall be deposited with the Treasurer of Ontario together with an affidavit of the clerk of the municipality in the prescribed form stating that no application or action to quash the by-law has been made or brought, or, if an application or action has been made or brought, that it has been dismissed and the certificate of such dismissal has been registered, and the debentures authorized by the by-law may thereafter be offered for sale to the Province of Ontario.

Application
by owner
for loan

3.—(1) An owner of agricultural land who is assessed as the owner thereof in the municipality or, where at any time after the return of the assessment roll and before the return of the assessment roll in the following year, the land is conveyed to some other person, such other person may make application to the council of the municipality in the prescribed form to borrow money for the purpose of constructing a drainage work on such agricultural land.

Members of
council not
disqualified
by loan

(2) No person by reason of having borrowed money under this Act is disqualified from being elected as a member of council or from sitting or voting therein, but no member of council shall vote on any question affecting an application for a loan in which he has an interest.

Discretion
of council

(3) The approval of any application under subsection 1 is in the discretion of the council whose decision is final and written notice of the decision shall forthwith be given to the applicant.

Appointment
of inspector

4. The council of a municipality borrowing money under this Act shall employ an inspector of drainage who shall inspect the drainage work and file with the clerk an inspection and completion certificate in the prescribed form, and the cost of such services by the inspector shall be charged against the drainage work inspected and shall be paid out of the money borrowed and deducted from the amount loaned under section 7.

5.—(1) After the receipt of the inspection and completion certificate, the council may issue a debenture payable to the Treasurer of Ontario with respect to the funds to be loaned by the municipality, and, in the case of a municipality within a district or regional municipality, the council may request the district or regional municipality to issue the debenture on its behalf.

Debentures may be issued after receipt of inspector's certificate

(2) A municipality, or a district or regional municipality on its behalf, shall not issue more than one debenture in any month, the amount of which may combine amounts to be loaned by the municipality with respect to a number of drainage works.

Municipality not to issue more than one debenture per month

(3) The amount of each debenture issued to the Treasurer of Ontario shall be in the sum of \$100 or any multiple thereof and shall not exceed the amount of the loan or loans with respect to which the debenture is issued nor 75 per cent of the total cost of the drainage work or works with respect to which the debenture is issued.

Amount of debentures

(4) The interest rates applicable to debentures, both before and after maturity, issued under this Act shall be determined from time to time by the Lieutenant Governor in Council.

Interest rates on debentures

(5) The term of the debentures shall be for a period of ten years and shall be repayable by equal annual instalments of principal and interest each due on the anniversary date of the debenture.

Term of debentures

(6) The debentures shall provide that the municipality or district or regional municipality, as the case may be, may at any time prepay the whole amount of principal and interest owing at the time of such prepayment.

Prepayment

(7) Each debenture shall be dated the first day of the month following the month in which it is delivered to the Treasurer of Ontario.

Date of debentures

(8) An application requesting the Treasurer of Ontario to purchase a debenture shall be by way of an offer to sell in the prescribed form and shall accompany the debenture delivered to the Treasurer of Ontario.

Offer to sell

6. The Treasurer of Ontario may purchase, acquire and hold debentures issued under the authority of this Act and pay therefor out of the Consolidated Revenue Fund.

Purchase and validation of debentures

Terms on which council shall lend money

7. The council shall lend the money so borrowed under the authority of section 2 in sums of \$100 or multiples thereof for a term of ten years at a rate of interest equal to that set out in the debenture by which the funds are borrowed, but the amount loaned to any one applicant shall not exceed the amount applied for nor 75 per cent of the total cost of the drainage work with respect to which the loan is made.

Collection of special rate

8. The council shall impose by by-law in the prescribed form and, subject to section 11, shall levy and collect for the term of ten years, over and above all other rates, upon the land in respect of which the money is lent, a special equal annual rate sufficient to discharge in ten years the principal and interest of the money lent, and the special rates imposed shall be deemed to be taxes, and the provisions of *The Municipal Act* as to the collection and recovery of taxes, and the proceedings that may be taken in default thereof, apply.

R.S.O. 1970, c. 284

Repayment by municipality to Province

9.—(1) The annual payment on any debenture for principal and interest shall be remitted by the treasurer of the municipality or district or regional municipality to the Treasurer of Ontario on or before the due date.

Interest when default in payment

(2) In the event of default in any such payment, interest thereon shall accrue during the time of such default and the rate of such interest shall be determined from time to time by the Lieutenant Governor in Council.

Sale of part of land with respect to which money lent

10.—(1) Where a part of a parcel of land in respect of which money has been lent under this Act is sold, the council of the municipality may apportion the special annual rate between the part sold and the part remaining.

Notice

(2) The clerk of the municipality shall give the owners of the parts into which the land is divided at least ten days notice in writing by registered mail of the time and place the council will make the apportionment.

Apportionment of rate

(3) The council in making the apportionment shall have regard to the effect of the drainage work on each part into which the parcel of land is divided and such other matters as it considers appropriate, and the decision of the council with respect to the apportionment is final.

Filing of order of apportionment

(4) The order of apportionment shall be filed with the clerk and thereafter the special annual rate shall be levied and collected in accordance with the apportionment.

11. The owner of agricultural land in respect of which money has been borrowed under this Act may at any time obtain a discharge of the indebtedness by paying to the treasurer of the municipality the amount outstanding together with accrued interest at the rate at which the funds were borrowed.

Discharge of
indebtedness
by owner

12. The Lieutenant Governor in Council may make regulations for the purposes of this Act prescribing forms and defining any word or expression not defined in this Act.

Regulations

13. *The Tile Drainage Act* is repealed.

R.S.O. 1970,
c. 461,
repealed

14. This Act comes into force on the 15th day of July, 1971.

Commence-
ment

15. This Act may be cited as *The Tile Drainage Act, 1971*.

Short title

CHAPTER 38

**An Act to authorize
the Raising of Money on the Credit of
the Consolidated Revenue Fund**

*Assented to July 9th, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan in any manner provided by *The Financial Administration Act* such sum or sums of money as are considered necessary for discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any moneys expended for any of such purposes, provided that the principal amount of any securities issued and temporary loans raised under the authority of this Act shall not exceed in the aggregate \$800,000,000.

Loans up to
\$800,000,000.

R.S.O. 1970,
c. 166

(2) The sum or sums of money authorized to be raised by subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act.

Idem

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Ontario Loan Act, 1971*.

Short title

CHAPTER 39

**An Act to amend
The Ontario Universities Capital Aid
Corporation Act**

*Assented to July 9th, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Ontario Universities Capital Aid Corporation Act* is amended by striking out "and" at the end of clause *a*, by adding "and" at the end of clause *b* and by adding thereto the following clause:

R.S.O. 1970,
c. 331, s. 2,
amended

(c) to the Art Gallery of Ontario and The Royal Ontario Museum.

2. Section 4 of *The Ontario Universities Capital Aid Corporation Act* is amended by striking out "and" at the end of clause *a*, by adding "and" at the end of clause *b* and by adding thereto the following clause:

R.S.O. 1970,
c. 331, s. 4,
amended

(c) to purchase from the Art Gallery of Ontario and The Royal Ontario Museum bonds or debentures issued by them for capital construction projects that have been approved by the Lieutenant Governor in Council.

3. Section 11 of *The Ontario Universities Capital Aid Corporation Act* is amended by adding thereto the following subsection:

R.S.O. 1970,
c. 331, s. 11,
amended

(3) The Corporation, with the approval of the Lieutenant Governor in Council and subject to the regulations made under this Act, may from time to time purchase from the Art Gallery of Ontario or The Royal Ontario Museum bonds or debentures issued by such institutions for capital construction projects approved by the Lieutenant Governor in Council.

Purchase of
debentures of
the Art
Gallery of
Ontario or
The Royal
Ontario
Museum

R.S.O. 1970,
c. 331, s. 15,
cls. b-f,
re-enacted

4. Clauses *b, c, d, e* and *f* of section 15 of *The Ontario Universities Capital Aid Corporation Act* are repealed and the following substituted therefor:

- (b) the arrangements that the Corporation may make for the purchase of bonds or debentures under this Act;
- (c) the manner in which colleges, universities, the Art Gallery of Ontario and The Royal Ontario Museum may apply to the Corporation for its purchase of their bonds or debentures, and the forms, records and proofs to be furnished with such applications;
- (d) the conditions to be imposed with regard to the purchase by the Corporation of bonds or debentures under this Act;
- (e) the consideration and granting by the Corporation of applications for its purchase of bonds or debentures under this Act;
- (f) the sale, hypothecation or other disposition by the Corporation of any bonds or debentures purchased by the Corporation under this Act.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Ontario Universities Capital Aid Corporation Amendment Act, 1971*.

CHAPTER 40

An Act to amend The Public Service Superannuation Act

*Assented to July 9th, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 5 of *The Public Service Superannuation Act* is repealed and the following substituted therefor: R.S.O. 1970,
c. 387, s. 5,
subs. 4,
re-enacted

- (4) Interest shall be credited at the close of each fiscal year to the Fund out of the Consolidated Revenue Fund at a rate and in a manner to be determined from time to time by the Lieutenant Governor in Council. Interest

2. Section 7 of *The Public Service Superannuation Act* is amended by adding thereto the following subsection: R.S.O. 1970,
c. 387, s. 7,
amended

- (3) Notwithstanding subsection 2, a contributor who ceases to be employed in the public service because the service he provided has been transferred to another public authority, may, subject to the approval of the Lieutenant Governor in Council and to the terms and conditions negotiated between the Board and the other public authority, including the matter of equivalent contribution by the contributor and the other public authority, continue to contribute to the Fund in which case this Act applies as though he were a contributor within the meaning of this Act. Application
of this Part
to former
contributors

3. Subsection 1 of section 16 of *The Public Service Superannuation Act* is repealed and the following substituted therefor: R.S.O. 1970,
c. 387, s. 16,
subs. 1,
re-enacted

- (1) Where a former contributor is, in the opinion of the Board, re-employed or engaged in any capacity Re-employ-
ment of
superannuate

in the service of the Crown, any allowance or annuity to which he is entitled during such re-employment or engagement shall, with respect to any period of three months, commencing on the 1st day of January, April, July or October in any year, during which he is at any time so re-employed or engaged, be reduced by the amount by which the sum of,

(a) three times the monthly salary authorized to be paid to him during that period of three months of his re-employment or engagement; and

(b) the allowance or annuity which would be payable to him during that period of three months if he were not re-employed or engaged,

exceeds the amount equal to three times the monthly salary payable to him during the last full month of his employment before he became entitled to the allowance or annuity.

R.S.O. 1970,
c. 387, s. 21,
amended

4. Section 21 of *The Public Service Superannuation Act* is amended by adding at the commencement thereof "The payment of", so that the section shall read as follows:

Payment of
allowances
and
annuities

21. The payment of allowances and annuities shall commence on the first day of the month next following the month during which the entitlement thereto occurred and shall be paid in monthly instalments.

R.S.O. 1970,
c. 387, s. 27,
re-enacted

5. Section 27 of *The Public Service Superannuation Act* is repealed and the following substituted therefor:

Boards,
commissions,
etc.

27. This Act applies,

(a) to the permanent and full-time probationary staff of any board, commission or foundation established under any Act of the Legislature that is designated by the Lieutenant Governor in Council; and

(b) to any full-time member of any such board, commission or foundation,

(i) who holds a position that is designated by the Lieutenant Governor in Council as a position to which this Act may apply, and

(ii)

- (ii) whose request therefor in writing has been approved by the Lieutenant Governor in Council.

6.—(1) Subsection 1 of section 28 of *The Public Service Superannuation Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 387, s. 28,
subs. 1,
re-enacted

- (1) Where a contributor becomes a member of,

Arrangement
for payment
out of Fund
into another
super-
annuation
fund

- (a) the civil service of Canada or of any province of Canada;
- (b) the civic service of any municipality in Ontario;
- (c) the staff of any board, commission or public institution established under any Act of the Legislature of Ontario; or
- (d) the staff of any Crown corporation of Canada or of any province of Canada,

a sum of money equal to his contributions and credits in the Fund or such portion thereof as the Board determines, with interest at such rate as the Board determines, shall be paid out of the Fund into any like fund maintained to provide superannuation benefits for the members of such civil or civic service or staff, as the case may be.

(2) Subsection 2 of the said section 28 is repealed and the following substituted therefor:

R.S.O. 1970,
c. 387, s. 28,
subs. 2,
re-enacted

- (2) Where a member of,

into Fund
out of
another
super-
annuation
fund

- (a) the civil service of Canada or of any province of Canada;
- (b) the civic service of any municipality in Ontario;
- (c) the staff of any board, commission or public institution established under any Act of the Legislature of Ontario; or
- (d) the staff of any Crown corporation of Canada or of any province of Canada,

becomes a contributor and a sum of money is paid into the Fund in respect of the period during which he was a civil or civic servant or on the staff of the board

board, commission, public institution or Crown corporation, the Board may allow him such credit in the Fund in respect of the sum and the period of service represented thereby as the Board may determine.

R.S.O. 1970,
c. 387, s. 28,
subs. 3,
amended

(3) Subsection 3 of the said section 28 is amended by striking out "or public institution" in the fourth line and inserting in lieu thereof "public institution or Crown corporation", so that the subsection shall read as follows:

Agreements
authorized

(3) Notwithstanding subsections 1 and 2, the Treasurer, subject to the approval of the Lieutenant Governor in Council, may enter into an agreement with any government, municipality, board, commission, public institution or Crown corporation mentioned therein to provide reciprocal arrangements for the transfer of contributions and credits, and, where such an agreement exists, such transfers shall be in accordance with the agreement.

R.S.O. 1970,
c. 387, s. 28,
subs. 4,
re-enacted

(4) Subsection 4 of the said section 28 is repealed and the following substituted therefor:

Idem

(4) An agreement entered into under subsection 3 may provide that, for the purpose of computing the minimum requirement of ten years of service for an allowance or annuity, service rendered to the other party to the agreement may be included up to the maximum set forth in the agreement, and any such allowance or annuity shall then be computed upon the service for which contributions have been made to the Fund.

Commence-
ment

7.—(1) This Act, except sections 1, 5 and 6, comes into force on the day it receives Royal Assent.

Idem

(2) Section 5 shall be deemed to have come into force on the 1st day of April, 1969.

Idem

(3) Section 6 shall be deemed to have come into force on the 1st day of June, 1970.

Idem

(4) Section 1 shall be deemed to have come into force on the 1st day of March, 1971.

Short title

8. This Act may be cited as *The Public Service Superannuation Amendment Act, 1971*.

CHAPTER 41

The Hotel Fire Safety Act, 1971

*Assented to July 9th, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Fire Marshal" means the Fire Marshal of Ontario;
- (b) "hotel" means an establishment consisting of one building or two or more connected or adjacent buildings that provides sleeping accommodation for the public and is licensed or required to be licensed under *The Department of Tourism and Information Act* or *The Liquor Licence Act*, but does not include a one storey building that,
 - (i) has a total floor area of less than 3,000 square feet,
 - (ii) is not attached to any other building, and
 - (iii) is at least thirty feet distant from any other building that is a hotel within the meaning of this clause;
- (c) "hotelkeeper" means the person who has the management and control of a hotel;
- (d) "inspector" means an inspector appointed under this Act;
- (e) "noncombustible construction" means construction of a type so defined by the regulations;
- (f) "regulations" means the regulations made under this Act;

R.S.O. 1970,
cc. 122, 250

(g)

- (g) "storey" means that part of a building between the top of a floor and the top of the next floor above it, or if there is no floor above it, that part between the top of a floor and the ceiling above it, but does not include a penthouse that is not used by the public, and the storey closest to grade having its ceiling more than six feet above grade shall be deemed to be the first storey. R.S.O. 1970, c. 211, s. 1, *amended*.

Application
of Act

- 2.** This Act applies to every hotel whether constructed before or after this Act comes into force. *New*.

Approval of
plans by
Fire Marshal

- 3.** No person shall,

- (a) construct a hotel;
- (b) construct an addition to a hotel;
- (c) convert a building to a hotel; or
- (d) alter a hotel,

until complete drawings and specifications thereof have been submitted to and approved by the Fire Marshal. *New*.

Structural
assemblies

- 4.** Every hotel and every addition made to a hotel, shall have its structural assemblies including its floor assemblies, load-bearing walls, supporting columns and arches, roof assembly and stairways constructed in the manner and of the materials prescribed by the regulations. *New*.

- 5.** Every hotel shall have such exits, including exit doorways, corridors and exit stairways, designed, located, maintained, identified, lighted, and in the case of exit doors, equipped with such hardware as the regulations prescribe. *New*.

Fire alarm
system

- 6.** Every hotel shall have in each building that,

- (a) has a total floor area of more than 6,000 square feet;
- (b) is more than one storey in height; or
- (c) does not have direct egress to the outdoors from each sleeping room occupied individually and not as a suite and from each suite,

a fire-alarm system comprised of the components and materials and designed, installed and maintained in the manner prescribed by the regulations. *New*.

7. Every hotel four or more storeys in height and every addition four or more storeys in height made to a hotel, shall have a standpipe and hose system comprised of the components and materials, and designed, installed and maintained in the manner prescribed by the regulations. *New.*

Standpipe
and hose
system

8. Every hotel shall install and maintain portable fire extinguishers of the type and in the number and of such fire extinguisher rating in such manner and location or locations in the hotel as are prescribed by the regulations. *New.*

Portable
fire
extinguishers

9. The interior and exterior finish materials of every hotel shall meet the standards prescribed by the regulations. *New.*

Interior
and
exterior
finish

10. Every hotel shall have,

Exit signs

(a) exit signs erected in such manner and in such locations as an inspector orders; and

(b) direction to exit signs erected in such manner and in such locations as an inspector orders. *New.*

11. Every hotel that is not of noncombustible construction shall have smoke-proof barriers erected in such manner and in such locations as an inspector orders. *New.*

Smoke-proof
barriers

12. Notwithstanding that a hotel has a fire-alarm system installed in the manner prescribed by the regulations, where the hotel is not of noncombustible construction and is three or more storeys in height, an inspector may order the hotel to install and maintain an automatic sprinkler system having sprinkler head protection in all areas. *New.*

Automatic
sprinkler
system

13. Where an inspector finds that a decoration or drape in a place of assembly, lobby, corridor, stairway or other means of egress in a hotel will propagate flame when a match is held to a sample of the material he may, whether it has been treated with a fire retardant or not, order the material to be treated or retreated or to be removed. *New.*

Decorations
and drapes

14. Where an inspector finds that a condition exists in a hotel that makes the hotel specially liable to fire, he may order the hotelkeeper to remedy the condition. R.S.O. 1970, c. 211, s. 22.

Special
powers of
inspectors

15.—(1) Where an inspector makes an order under this Act, he shall cause a copy of the order to be delivered to the hotelkeeper by personal service or by registered mail.

Orders of
inspector

Right of
appeal

(2) If the hotelkeeper feels aggrieved by the order, he may appeal within ten days from the service of the order to the Fire Marshal who shall hear and dispose of the appeal as promptly as is practicable, and he shall prepare written reasons for his decision and cause a copy of his decision and the reasons therefor to be delivered to the hotelkeeper by personal service or by registered mail.

Powers of
Fire Marshal

(3) On an appeal under subsection 2, the Fire Marshal may substitute his findings or opinions for those of the inspector who made the decision appealed from and may affirm or rescind the order or make a new order in substitution therefor and has all the powers of the inspector for such purpose and the decision or order on the appeal shall stand in the place of and have a like effect under this Act as the order of the inspector.

Right of
application
to court

(4) If the hotelkeeper is dissatisfied with the decision of the Fire Marshal, he may, within ten days from the service of the decision, apply to the judge of the county or district court of the county or district in which the hotel is situate for a hearing.

Extension of
time for
appeal

(5) A judge to whom an application is made under subsection 4 may extend the time for making the application either before or after the expiration of the time fixed therein, where he is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension, and may give such direction as he considers proper consequent upon the extension.

Hearing

(6) Where a hotelkeeper appeals under subsection 4, the judge shall appoint a time for and hear the appeal and the judge may affirm or rescind the order or make a new order in substitution therefor and for such purpose the judge may substitute his opinion for that of the Fire Marshal and his decision is final.

Parties

(7) The hotelkeeper and the Fire Marshal are parties to an appeal under this section.

Findings
of fact

(8) The findings of fact of a judge pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. R.S.O. 1970, c. 211, s. 23, *amended*.

1971, c. 47

Powers of
inspector

16.—(1) An inspector may, for the purposes of carrying out his duties under this Act, at any reasonable time or times enter and inspect any hotel or any part thereof and may
require

require the hotelkeeper to produce or furnish any records or documents required to be kept under this Act or the regulations.

(2) No person shall hinder or obstruct an inspector in the performance of his duties or furnish him with false information or refuse to furnish him with information. *New.* ^{Obstructing inspector}

17.—(1) Every hotelkeeper who operates a hotel that does not conform with this Act and the regulations or who fails to comply with any order made by an inspector is guilty of an offence and on summary conviction is liable to a fine of not more than \$1000, and, in addition, the judge may order the hotel to be closed until it is made to conform with this Act and the regulations or with the order of the inspector. ^{Offence}

(2) The conviction under this Act of a hotelkeeper does not operate as a bar to further prosecution under this Act for the continued failure on his part to comply with this Act and the regulations or the order of an inspector, but such continuance constitutes a new and separate offence. ^{Conviction not bar to further charge}
R.S.O. 1970, c. 211, s. 24, *amended*.

18. The Lieutenant Governor in Council may appoint inspectors to enforce this Act and the regulations. ^{Appointment of inspectors}
R.S.O. 1970, c. 211, s. 25, *amended*.

19. The Lieutenant Governor in Council may make regulations, ^{Regulations}

- (a) regulating the construction and alteration of hotels;
- (b) prescribing the design, location, identification, maintenance and lighting of means of egress from hotels and prescribing the type of hardware with which exit doors shall be equipped;
- (c) prescribing the method of construction and the materials to be used in the structural assemblies of hotels;
- (d) prescribing the design of standpipe and hose systems in hotels, prescribing the components and materials to be used in such systems and prescribing the manner in which such systems shall be installed and maintained;
- (e) providing for the exemption from this Act or the regulations or any provision thereof of any hotel or class or classes of hotels either absolutely or

for

for a limited period of time, and prescribing the terms and conditions thereof;

- (f) prescribing the design of fire alarm systems in hotels, prescribing the components and materials to be used in such systems and prescribing the manner in which such systems shall be installed and maintained;
- (g) regulating the interior and exterior finish materials in hotels;
- (h) requiring and regulating ventilating, air handling and cooking exhaust systems in hotels;
- (i) prescribing the number, type and location of portable fire extinguishers in hotels, their rating and the manner in which they shall be installed and maintained;
- (j) regulating the heating, cooling and air conditioning systems in hotels;
- (k) prescribing standards of housekeeping for hotels;
- (l) requiring the hotelkeeper and his staff to be trained in and to perform duties relating to fire prevention, fire protection, inspection, maintenance of equipment, supervision, fire fighting, sounding alarms, evacuating occupants, and other procedures affecting fire safety, and regulating such procedures;
- (m) controlling or prohibiting the use of any material, equipment, appliance or device in a hotel;
- (n) controlling or prohibiting exhibits and any item for display or sale in a hotel;
- (o) regulating the construction, erection, alteration, installation, removal, operation, or maintenance of any equipment, appliance or device in hotels;
- (p) prohibiting the installation or use of appliances, devices or materials in hotels;
- (q) requiring and regulating tests for building assemblies, materials, equipment and appliances in hotels and designating the testing agencies for such tests;
- (r) requiring and providing for the inspection of equipment and appliances in hotels and prescribing the frequency and the manner of such inspections;

- (s) prescribing classes of contractors and requiring, regulating and providing for the training, testing and registration of them, or any class of them;
- (t) requiring, regulating and providing for the keeping by hotelkeepers of records, statements or reports on tests, inspections, fire alarm drills and evacuation drills;
- (u) requiring and regulating fire prevention and fire protection equipment in hotels;
- (v) requiring and regulating any assembly, material, equipment, appliance or device in hotels which will reduce the likelihood of spread of fire or smoke;
- (w) requiring and regulating any equipment or assembly which will speed up or make the evacuation of a hotel safer and more orderly;
- (x) prescribing what is noncombustible construction for the purposes of this Act. R.S.O. 1970, c. 211, s. 26, *amended*.

20.—(1) Subject to subsection 2, nothing in this Act or the regulations affects any by-law relating to the matters mentioned in this Act or the regulations and lawfully passed by a municipal council, or the authority of a municipal council to pass any such by-law. R.S.O. 1970, c. 211, s. 27, *amended*. Municipal by-laws not affected

(2) Where conflict exists between any regulation made under this Act and any by-law passed by a municipality in the exercise of its powers, the regulation prevails. *New*. Conflict

21. Neither the granting of a permit by an authority having jurisdiction nor the approval of drawings and specifications by the Fire Marshal nor inspections made by an inspector or any other authority having jurisdiction during construction or alteration of a hotel shall in any way relieve the hotelkeeper of such hotel from full responsibility for carrying out the work in accordance with the requirements of this Act and the regulations. *New*. Responsibility of hotelkeeper

22. *The Hotel Fire Safety Act* is repealed.

R.S.O. 1970,
c. 211,
repealed

23. This Act comes into force on the 1st day of September, 1971. Commencement

24. This Act may be cited as *The Hotel Fire Safety Act, 1971*. Short title

CHAPTER 42

An Act to amend The Farm Products Marketing Act

*Assented to July 9th, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Farm Products Marketing Act* is amended by adding thereto the following section: R.S.O. 1970,
c. 162,
amended

22.—(1) The Minister may, with the approval of the Lieutenant Governor in Council, enter into agreements with the Government of Canada providing for, Agreements

(a) the performance by a marketing agency of Canada, on behalf of the Government of Ontario, of any function relating to intra-provincial trade in a regulated product in respect of which the marketing agency may exercise its powers relating to interprovincial or export trade;

(b) the performance by the Board or any local board of Ontario, on behalf of the Government of Canada, of any function relating to inter-provincial or export trade in a regulated product in respect of which the Board or local board may exercise its powers relating to intraprovincial trade; and

(c) such other matters relating to intraprovincial and interprovincial or export trade as may be agreed upon by the Minister and the Government of Canada.

(2) The Board or a local board may perform on behalf of the Government of Canada any function relating to interprovincial or export trade in a regulated product that is specified in an agreement entered into under subsection 1. Authority to
exercise
powers
conferred by
agreement

Delegation
of powers

- (3) The Board or a local board may, with the approval of the Lieutenant Governor in Council, grant authority to any marketing agency of Canada that is authorized to exercise powers of regulation in relation to interprovincial or export trade in a regulated product to perform on behalf of the Board or local board any function relating to intraprovincial trade that the Board or local board may perform.

Idem

- (4) The Lieutenant Governor in Council may grant authority to any marketing agency of Canada that is authorized to exercise powers of regulation in relation to interprovincial or export trade in a farm product to regulate the marketing within Ontario of such farm product, and for such purposes to exercise any power that it may exercise in relation to the marketing of such farm product in interprovincial or export trade.

Commence-
ment

- 2.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

- 3.** This Act may be cited as *The Farm Products Marketing Amendment Act, 1971 (No. 2)*.

CHAPTER 43

**An Act to Provide for the Protection
of Persons in Industrial Establishments***Assented to July 9th, 1971**Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) “architect” means a person registered as a member of the Ontario Association of Architects or a person who is licensed to practise as an architect under *The Architects Act*;

R.S.O. 1970,
c. 27

- (b) “arena” means a building or structure to which the public has access that houses or covers, partially or completely, an area used for skating, curling or other athletic activities;

- (c) “child” means a person under the age of fifteen years;

- (d) “Deputy Minister” means the Deputy Minister of Labour;

- (e) “employer” means a person who employs one or more persons, and includes,

- (i) a person who on his own behalf or as the manager, superintendent, or agent has charge of an industrial establishment,

- (ii) a person who is self-employed, and

- (iii) in the case of an office building, the superintendent, manager or caretaker;

- (f) “energy” includes any form of thermal, hydraulic, electrical, aerodynamic, kinetic, chemical, nuclear, solar or other kind of energy;

(g)

(g) "engineer of the Department" means a professional engineer who is appointed an inspector for the purposes of this Act;

(h) "factory" means,

(i) a premises or place other than a premises or place where homework is done, where,

(A) any manufacturing process or assembling in connection with the manufacturing of any goods or products is carried on,

(B) in preparing, inspecting, manufacturing, finishing, repairing, warehousing, cleaning or adapting for hire or sale any substance, article or thing, energy is,

1. used to work any machinery or device, or

2. modified in any manner, or

(C) the employer of the persons working therein has the right of access and control and wherein any manual labour is exercised by way of trade or for purposes of gain in or incidental to the making of any goods, substance, article or thing or any part thereof or the altering, demolishing, repairing, maintaining, ornamenting, finishing, storing, cleaning, washing or adapting for sale of any goods, substance, article or thing and includes a plant used for the maintenance of aircraft, locomotives or vehicles used for transport purposes, and

(ii) a laundry, including a laundry operated in conjunction with,

(A) a hospital under *The Public Hospitals Act*, an institution designated by the regulations under *The Mental Hospitals Act*, a sanatorium established under *The Sanatoria for Consumptives Act*, a sanatorium licensed under *The Private*

Sanataria

Sanataria Act, or a psychiatric facility R.S.O. 1970,
c. 269
under *The Mental Health Act*,

(B) a private hospital licensed under *The* R.S.O. 1970,
c. 361
Private Hospitals Act,

(C) a hotel within the meaning of *The* R.S.O. 1970,
c. 212
Hotel Registration of Guests Act or a
motel, or

(D) an institution for religious, charitable
or educational purposes,

and includes any land, buildings and structures
appertaining thereto;

(i) "homework" means the doing of any work in the
manufacture, preparation, improvement, repair,
alteration, assembly or completion of any article
or thing or any part thereof by a person for wages
in premises occupied primarily as living accommoda-
tion;

(j) "industrial establishment" means an office building,
factory, shop or office;

(k) "inspector" means an inspector appointed for the
purposes of this Act and includes the chief inspector;

(l) "Minister" means the Minister of Labour;

(m) "municipality" means a municipality as defined in
The Department of Municipal Affairs Act; R.S.O. 1970,
c. 118

(n) "owner" means the person for the time being entitled
in his own right or as a trustee, receiver, mortgagee
in possession, guardian, committee, agent or other-
wise to receive the rents and profits of any premises
used as an industrial establishment so far as such
rents and profits are not payable solely in respect
of the use or occupancy of land apart from any
buildings or other improvements erected or situate
thereon;

(o) "parent" means a parent or the guardian of a child,
or the person having the legal custody of, control
over, or direct benefit from the wages of, a child;

(p) "person" includes a firm, syndicate or two or more
persons engaged in a joint venture;

(q)

R.S.O. 1970,
c. 366

(q) “professional engineer” means a person registered as a professional engineer or a person who is licensed to practise as a professional engineer under *The Professional Engineers Act*;

(r) “regulations” means the regulations made under this Act;

(s) “shop” means,

(i) a place, including a building, booth, stall or part thereof, where goods are handled, exposed or offered for sale, or

(ii) a building, booth, stall or part thereof, or any other place, where services are offered for sale, including an arena, restaurant, bowling alley, pool room and billiard parlour,

and includes any lands, buildings and structures appertaining thereto. R.S.O. 1970, c. 220, s. 1, *amended*.

When Act
does not
apply

2. This Act does not apply to,

R.S.O. 1970,
c. 80

(a) a construction hoist within the meaning of *The Construction Hoists Act*;

R.S.O. 1970,
c. 274

(b) a mine and machinery within the meaning of *The Mining Act*, including office and service buildings located at a mine;

R.S.O. 1970,
c. 257

(c) loggers within the meaning of *The Loggers' Safety Act*;

1971, c. 44

(d) a work as defined in section 1 of *The Energy Act, 1971*; or

(e) the raising and care of fowl or live stock, the cultivation of plants, trees, flowers, fruits and vegetables, and farming operations. R.S.O. 1970, c. 220, s. 5, *amended*.

Application
to Crown

3. This Act binds the Crown. R.S.O. 1970, c. 220, s. 2, *amended*.

Separate
industrial
establish-
ments

4. Such part of an industrial establishment as the chief inspector designates in writing shall be deemed to be a separate industrial establishment for the purposes of this Act. R.S.O. 1970, c. 220, s. 6.

5.—(1) A person who has charge and control of an industrial establishment shall be deemed for the purposes of this Act to be the employer of every person, Persons deemed employees

(a) working therein, notwithstanding that the work is performed under a contract with another person; or

(b) found in a factory except at meal times or while the machinery of the factory is stopped,

other than a person working in the industrial establishment or found in the factory while employed on a project as defined in *The Construction Safety Act*.

R.S.O. 1970,
c. 81

(2) Notwithstanding subsection 1, any person who under a contract with an employer or owner of an industrial establishment supplies the employer or owner with a machine or device and a person or persons to work in connection with the machine or device shall, for the purposes of this Act, be deemed to be the employer of the person or persons supplied. Person deemed employer

(3) Playgrounds, recreation areas and public waiting rooms of a factory in which no machinery is used or manufacturing process carried on shall be deemed not to be part of the factory for the purposes of clause *b* of subsection 1. Exemption R.S.O. 1970, c. 386.

6.—(1) Such inspectors as are considered necessary to enforce this Act and the regulations may be appointed under *The Public Service Act*. Appointment of inspectors
R.S.O. 1970,
c. 386

(2) The Deputy Minister may designate one of the inspectors appointed under subsection 1 as the chief inspector for purposes of the general administration of this Act and the regulations, including the supervision and direction of the inspectors. Chief inspector R.S.O. 1970, c. 220, s. 7 (1), *amended*.

7.—(1) The Deputy Minister shall issue a certificate of appointment, bearing his signature, to every inspector. Certificate of appointment

(2) A certificate purporting to bear the signature of the Deputy Minister shall be deemed to have been duly signed by the Deputy Minister. Idem

(3) Every inspector, in the execution of any of his duties under this Act, shall produce his certificate of appointment upon request. Production of certificate R.S.O. 1970, c. 220, s. 7 (2), *amended*.

8.—(1) An inspector may, for the purposes of carrying out his duties under this Act and the regulations, Powers of inspector

(a)

- (a) subject to subsection 4, enter in or upon any premises at any time without a warrant ;
- (b) take up or use at any time any property, real or personal, for the purpose of protecting any person in any industrial establishment ;
- (c) require the production of any licence, drawings, notice, document or record required by this Act or the regulations, and examine and copy the same ;
- (d) be accompanied by any person who has special or expert knowledge of any matter in an industrial establishment or part thereof ;
- (e) alone or in conjunction with such other person or persons possessing special or expert knowledge or skill as the chief inspector designates, make such examinations, tests, inquiries or, subject to subsections 2 and 3, take such samples or photographs as are necessary to ascertain whether this Act and the regulations are being complied with ;
- (f) examine either alone or in the presence of any other person with respect to matters under this Act,
 - (i) an employee,
 - (ii) a person who was an employee,
 - (iii) any person whom he finds in an industrial establishment, or
 - (iv) any person whom he has reasonable cause to believe to have been in an industrial establishment ;
- (g) take with him into any industrial establishment a legally qualified medical practitioner, medical officer of health, sanitary inspector or any officer of the Department of Health ;
- (h) require the owner of an industrial establishment to provide at the owner's expense a report by a professional engineer stating,
 - (i) the load that the floor, roof or other part of a building or structure is capable of supporting or withstanding without exceeding the allowable unit stresses for the materials used as

established

established by the National Building Code of Canada, 1970, or

- (ii) that the floor, roof or other part of a building or structure is capable of supporting or withstanding the loads being applied to it without exceeding the allowable unit stresses for the materials used, as established by the National Building Code of Canada, 1970;
- (i) require the employer who has applied a load to the floor, roof or other part of a building or structure to provide at the employer's expense a report by a professional engineer stating that the floor, roof or other part of the building or structure is capable of supporting or withstanding the loads being applied to it without exceeding the allowable unit stresses for the materials used as established by the National Building Code of Canada, 1970. R.S.O. 1970, c. 220, s. 8 (1), *amended*.

(2) Where an inspector takes a sample under clause *e* ^{Samples} of subsection 1, the inspector shall divide the sample into two parts and deliver one part to the owner or employer from whom the sample is taken, if the owner or employer so requests at the time the sample is taken and provides the necessary facilities.

(3) Where an inspector takes a sample under clause *e* ^{Idem} of subsection 1 and has not divided the sample into two parts, a copy of any report on the sample shall be given to the owner or employer from whom the sample was taken if the owner or employer so requests at the time the sample was taken. R.S.O. 1970, c. 220, s. 8 (2), *amended*.

(4) An inspector shall not enter any room or place actually ^{Entry to dwellings} used as a dwelling without the consent of the occupier except under the authority of a search warrant issued under section 16 of *The Summary Convictions Act*. R.S.O. ^{R.S.O. 1970, c. 450} 1970, c. 220, s. 8 (3).

9.—(1) No person shall hinder, obstruct, molest or interfere ^{Obstruction of inspector} with an inspector or a person accompanying an inspector or attempt to hinder, obstruct, molest or interfere with an inspector or a person accompanying an inspector in the exercise of a power or the performance of a duty under this Act.

(2) Every person shall furnish all necessary means in his ^{Assistance of inspector} power to facilitate any entry, inspection, examination, testing or inquiry by an inspector in the exercise of his powers or duties under this Act. R.S.O. 1970, c. 220, s. 9, *amended*.

Refusal
to produce

(3) No person shall neglect or refuse to produce any licence, drawings, notice, document or record required to be produced under clause *c* of subsection 1 of section 8. *New.*

Directions
by inspector
where non-
compliance

10.—(1) An inspector may give directions orally or in writing to any person for the carrying out of any matter or thing regulated, controlled or required by this Act or the regulations, and may require that his directions be carried out within such time as he specifies.

Idem

(2) Where an inspector gives an oral direction under subsection 1, he shall confirm the direction in writing before leaving the industrial establishment. R.S.O. 1970, c. 220, s. 10 (1, 2), *amended.*

Directions
by inspector
where persons
endangered

(3) Where an inspector finds that any place, matter or thing, or any part or parts thereof, or a method or manner of work in an industrial establishment does not comply with the requirements of this Act or the regulations and is a source of danger or hazard to a person employed therein or having access thereto he,

(a) shall give such direction or directions in writing to the employer or owner as he considers necessary, directing him immediately or within such period of time as the inspector specifies,

(i) to eliminate the hazard,

(ii) to take measures for guarding the source of the danger, or

(iii) to protect any person against any hazard or danger therefrom; and

(b) may direct in writing that any place, matter or thing shall not be used until his direction or directions are complied with.

Affixing
notice

(4) Where an inspector gives a direction under subsection 1 or 3 he may affix to the place, matter or thing or any part thereof a notice in the prescribed form, and no person, except an inspector, shall remove the notice unless authorized by an inspector. R.S.O. 1970, c. 220, s. 11.

Appeal
from
decisions of
inspector

11.—(1) Any person who considers himself aggrieved by any direction given or decision made by an inspector under this Act or the regulations may appeal to the chief inspector who shall hear and dispose of the appeal as promptly as is practicable, but the bringing of such appeal does not affect the

operation

operation of the decision appealed from pending disposition of the appeal.

(2) An appeal to the chief inspector may be made in writing or orally or by telephone, but the chief inspector may require the grounds for appeal to be specified in writing before the appeal. How appeal made

(3) The appellant, the inspector from whom the appeal is taken and such other persons as the chief inspector may specify are parties to an appeal under this section. Parties

(4) On an appeal under this section, the chief inspector may substitute his findings or opinions for those of the inspector who made the decision appealed from and may rescind or affirm the decision or make a new decision in substitution therefor and for such purpose has all the powers of an inspector and the decision of the chief inspector shall stand in the place of and have the like effect under this Act and the regulations as the decision of the inspector. Powers of chief inspector

(5) In this section, a decision of an inspector under this Act or the regulations includes any direction or permission made or given or the imposition of any terms or conditions therein by an inspector under the authority of this Act or the regulations or the refusal thereof by an inspector, or the making of any finding by an inspector under this Act or the regulations. Decision of inspector includes directions, etc.

(6) A decision of the chief inspector under this section is final. R.S.O. 1970, c. 220, s. 10 (3-5), *amended*. Decision of chief inspector final

12.—(1) For the purpose of an investigation, inquiry or examination made by him under this Act, the chief inspector has the powers of a commission under Part II of *The Public Inquiries Act, 1971* which Part applies to such investigation, inquiry or examination as if it were an inquiry under that Act. R.S.O. 1970, c. 220, s. 8 (4), *amended*. Powers on investigation 1971, c. 49

(2) A person who is examined by the chief inspector under subsection 1 is entitled to have a counsel or agent present at the examination to advise him. *New*. Counsel of witness

13.—(1) An inspector, a person who accompanies an inspector, or a person designated by the chief inspector who makes an examination, test, inquiry, or takes samples shall not publish, disclose or communicate to any person any information, material, statement or test, acquired, furnished, obtained, made or received under the powers conferred by this Act and the regulations except for the purposes of carrying out his duties under this Act or the regulations. Information confidential

Idem

(2) No report of an inspector, a person who accompanies an inspector, or a person designated by the chief inspector who makes an examination, test, inquiry or takes samples shall be communicated, disclosed or published to any person except for the purposes of carrying out his duties under this Act or the regulations.

Compellability in civil suit

(3) Neither an inspector nor a person who, at the request of an inspector, accompanies an inspector, or a person who makes an examination, test, inquiry or takes samples at the request of an inspector is a compellable witness in a civil suit or proceeding respecting any information, material, statement or test acquired, furnished, obtained, made or received under the powers conferred under this Act.

Power of chief inspector to disclose

(4) The chief inspector may communicate or allow to be communicated, disclosed or published information, material, statements, or the result of a test acquired, furnished, obtained, made or received under the powers conferred by this Act and the regulations.

Information not to be disclosed

(5) No person to whom information is communicated under section 8 shall divulge the name of the informant to any person except for the purposes of this Act. R.S.O. 1970, c. 220, s. 13 (1-4), *amended*.

Furnishing copies of reports

14. The chief inspector may upon receipt of a request in writing from an owner of an industrial establishment and upon payment of the prescribed fee or fees furnish to the owner or to a person designated by him copies of reports or directions of inspectors made in respect of the industrial establishment as to its compliance or otherwise with the provisions of section 22. *New*.

Furnishing copies of reports

15. The chief inspector may, upon receipt of a request in writing from an employer and upon payment of the prescribed fee or fees, furnish to the employer or to a person designated by him copies of reports or directions of inspectors made in respect of the industrial establishment as to its compliance or otherwise with the provisions of section 24. *New*.

Liability of inspector

16.—(1) No action or other proceeding for damages lies or shall be instituted against an inspector for an act or an omission done or omitted to be done by him in good faith in the execution or intended execution of any power or duty under this Act or the regulations.

Application of R.S.O. 1970, c. 365

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*,

relieve

relieve the Crown of liability in respect of a tort committed by an inspector to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted. R.S.O. 1970, c. 220, s. 13 (5), *amended*.

17.—(1) No person shall commence to construct or reconstruct a building or structure or add to or alter an existing building or structure, ^{Examination of drawings of factory, etc.}

- (a) that is to be or is used as a factory other than a factory as defined by subclause ii of clause *h* of section 1;
- (b) that is to be or is an arena;
- (c) that is to be or is used as a shop or office building and is to be or is more than two storeys in height; or
- (d) that is to be or is used as a shop or office building and is to have or has more than 5,000 square feet of gross horizontal area in any storey enclosed within,
 - (i) exterior walls, or
 - (ii) any combination of exterior walls and interior walls having a fire resistance rating without any opening to another building,

until the drawings thereof have been examined by an engineer of the Department and certified as meeting the requirements of this Act and the regulations. R.S.O. 1970, c. 220, s. 16 (1).

(2) Where this Act or the regulations prescribe that drawings of any equipment, machinery or device to be or being installed or altered shall be examined and certified by an engineer of the Department, no person shall install or alter such equipment, machinery or device until the drawings thereof have been examined by an engineer of the Department and certified as meeting the requirements of this Act and the regulations. *New.* ^{Examination of drawings of machine, etc.}

(3) An application for examination shall be in the form prescribed by the regulations and shall, ^{Application for examination}

- (a) be accompanied by three or more sets of drawings of the proposed construction, reconstruction, addition, installation or alteration and the estimated costs thereof;

(b)

- (b) be supplemented by such additional information as an engineer of the Department requires; and
- (c) in the case of drawings of a building or structure that is or is to be,
 - (i) an arena, or
 - (ii) more than two storeys in height,

bear the signature and seal of a professional engineer or architect. R.S.O. 1970, c. 220, s. 16 (2), *amended*.

Certification
of drawings

(4) An engineer of the Department shall examine the drawings and if they comply with this Act and the regulations, he shall so certify thereon, retaining one copy and returning the others to the applicant, and the construction, reconstruction, addition, installation or alteration may be proceeded with only in accordance with the drawings as certified.

Production
of certified
drawings

(5) The owner of the building or of the land on which the building is being constructed or a person designated by him shall keep one copy of the certified drawings on the site of the construction, reconstruction, addition, installation or alteration until the completion thereof, and such drawings shall be produced upon demand to an inspector or to a building inspector or construction safety inspector appointed by a municipality or by the Lieutenant Governor in Council. R.S.O. 1970, c. 220, s. 16 (4, 5).

Fees for
certification

(6) Fees as prescribed by the regulations made under this Act for the certification of the drawings shall become due and payable within sixty days of the certification of the drawing and shall be recoverable with interest as a debt due Her Majesty from the applicant or the owner of the land on which the building is being constructed, reconstructed, added to or altered or from any subsequent owner and are a lien upon the land and the lien is not lost or impaired by want of registration. *New*.

Conditions of
approval for
certification

18. The certification of an engineer of the Department may be given upon such terms and conditions as he considers necessary. *New*.

Refusal
to issue

19.—(1) The chief inspector may, after hearing the applicant, refuse to grant a certification under section 17 where the drawings do not meet the requirements of this Act or the regulations.

(2) The chief inspector may suspend or revoke any certification under this Act or the regulations, after hearing the person to whom it was granted, if such person contravenes or knowingly permits any person under his control or direction to contravene any provision of this Act or the regulations relating to the matter so certified or any term or condition of such certification imposed under this Act or the regulations.

Suspension
or revoca-
tion of
certification

(3) Notice of a hearing under this section shall afford to the person affected a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for retention of the certification to which the hearing relates.

Notice
of hearing

(4) A person who will be affected by a refusal to issue or a suspension or revocation under this section shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. R.S.O. 1970, c. 220, s. 18, *amended*.

Examination
of docu-
mentary
evidence

20.—(1) Any person who considers himself aggrieved by a decision of the chief inspector under section 19 may, within fifteen days after receipt of the decision of the chief inspector, appeal to the judge of the county or district court of the county or district in which the industrial establishment to which the certification relates or in which the person aggrieved resides, by applying to the judge for a hearing.

Appeal from
decision of
inspector

(2) A judge to whom an application is made under subsection 1 may extend the time for making the application either before or after expiration of the time fixed therein, where he is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension and may give such directions as he considers proper consequent upon the extension.

Examination
of time
for hearing

(3) Where a person appeals under this section to a judge, the judge shall appoint a time for and hear the appeal by way of a hearing *de novo* and the judge may affirm or reverse the decision of the chief inspector or make a new decision in substitution therefor and for such purpose has all the powers of the chief inspector to make such decision as he considers proper.

Hearing
de novo

(4) The appellant, the chief inspector and such other persons as the judge may specify are parties to an appeal under this section.

Parties

(5)

Recording
of evidence

(5) The oral evidence taken before the judge at a hearing shall be recorded, and if so required, copies or a transcript thereof shall be furnished upon the same terms as in the county court.

Findings
of fact

1971, c. 47

(6) The findings of fact of a judge pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

No stay
on appeal

(7) The bringing of an appeal under this section does not affect the suspension or revocation of any certification to which it relates pending the disposition of the appeal. *New.*

Service

21. The sending or service of any notice, order, direction, or document to or upon any person for the purposes of this Act or the regulations shall be made,

- (a) by serving it personally on such person ;
- (b) by leaving it at the place of his last known or usual residence or, alternatively, in the case of an employer by leaving it at the industrial establishment for which he is the employer; or
- (c) by mailing it by prepaid first class mail addressed to the person at his last known or usual residence, or alternatively, in the case of an employer, addressed to the industrial establishment for which he is the employer without naming him in the address. R.S.O. 1970, c. 220, s. 15 (1), *amended*.

Duties
of owner

22. Every owner of an industrial establishment shall,

- (a) provide,
 - (i) the exit facilities prescribed by the regulations,
 - (ii) the toilet and washing facilities, including the supply of hot and cold water, prescribed by the regulations,
 - (iii) equipment, supplies and facilities for heating and lighting adequate to enable all areas to be heated and lighted as prescribed by the regulations, and
 - (iv) adequate fire protection and equipment ;

(b)

- (b) maintain all facilities provided by him, as prescribed by the regulations;
- (c) maintain all areas used in common by employees of more than one employer, as prescribed by the regulations; and
- (d) ensure that,
 - (i) any floor, roof or other part of a building or structure owned by him can safely support the loads applied or likely to be applied to it,
 - (ii) any floor, roof or other part of a building or structure owned by him is not loaded in excess of its safe load-bearing capacity, and
 - (iii) no building or structure owned by him is constructed, reconstructed, altered or added to except in compliance with this Act and the regulations. *New.*

23. Every employer, upon commencing to occupy a factory, shall send to the chief inspector forthwith a notice in writing of the name of the firm under which the business of the factory is to be carried on, the place where it is situated, the address to which he desires his letters to be addressed, the nature of the work and the expected number of employees. R.S.O. 1970, c. 220, s. 17 (1).

a Notice of
occupation
of factory

24.—(1) An employer shall ensure that,

Duties of
employer

- (a) the equipment, materials and protective devices prescribed by the regulations are provided in the industrial establishment;
- (b) the equipment, materials and protective devices provided by him are,
 - (i) maintained in good condition, and
 - (ii) used as prescribed by the regulations;
- (c) the measures and procedures prescribed by the regulations are carried out in the industrial establishment;
- (d) any load he places or causes to be placed on a floor, roof or any part of a building or other structure does not cause the materials used in the floor, roof

or

or any part of the building or other structure to be stressed beyond the allowable unit stresses established by the National Building Code of Canada, 1970; and

- (e) in a factory, a copy of this Act and the regulations are provided and maintained in good condition in a location readily accessible to the employees.

Supervisors

(2) The employer shall appoint one or more competent persons to exercise direction and control over persons employed by him and one such person may be the employer.

General
duties of
employers

(3) An employer shall take every precaution reasonable in the circumstances for the protection of an employee in the industrial establishment, but this provision shall not be applied to affect the strict duty imposed by subsection 1.

Idem

(4) Where, in an industrial establishment,

R.S.O. 1970,
cc. 117, 354

- (a) the regulations made under *The Department of Labour Act* or under *The Power Commission Act* are contravened;

R.S.O. 1970,
c. 47

- (b) a boiler or pressure vessel is constructed, installed, maintained or operated in a manner contrary to *The Boilers and Pressure Vessels Act* and the regulations thereunder;

R.S.O. 1970,
c. 143

- (c) an elevator, dumb-waiter, escalator, manlift or incline lift is constructed, installed, maintained or operated in a manner contrary to *The Elevators and Lifts Act* and the regulations thereunder;

R.S.O. 1970,
c. 333

- (d) *The Operating Engineers Act* and the regulations thereunder are contravened;

R.S.O. 1970,
c. 81

- (e) maintenance work for a building, structure or other object is being carried on by an employee who is working in a manner and under circumstances contrary to the provisions of the regulations made under *The Construction Safety Act*;

R.S.O. 1970,
c. 189

- (f) *The Gasoline Handling Act* or the Gasoline Handling Code is contravened; or

1971, c. 44

- (g) *The Energy Act, 1971* and the regulations thereunder are contravened,

the employer shall be deemed to be in contravention of subsection 3.

(5) An employer shall not discharge or discipline or threaten to discharge or discipline an employee because the employee has sought the enforcement of this Act or the regulations or has acted in compliance with this Act or the regulations. *New.* ^{Reprisal prohibited}

25. Every person in possession of an industrial establishment or part thereof, other than the owner, is jointly and severally responsible with the owner for any thing that the owner is required to do under this Act or the regulations if such thing is the obligation of the person in possession to do under the agreement for possession. R.S.O.1970,c. 220,s.20. ^{Joint responsibility of lessee}

26.—(1) Every person with authority over a person in an industrial establishment shall ensure that the person works in the manner and with the protective devices, measures and procedures prescribed by this Act and the regulations. ^{Responsibility of supervisors}

(2) A person appointed to exercise direction and control over a person in an industrial establishment shall advise the person under his direction and control of any potential hazard in connection with the work to be done by the person. *New.* ^{Idem}

27.—(1) A person in an industrial establishment shall work in compliance with the requirements of this Act and the regulations. R.S.O. 1970, c. 220, s. 22 (2), *amended.* ^{Duty of employee}

(2) In addition to compliance with subsection 1, a person in an industrial establishment shall use or wear protective devices or clothing as his employer may require. ^{Protective clothing}

(3) No person in an industrial establishment shall conduct himself so that he is likely to endanger himself or other persons. ^{Endangering others}

(4) No person in an industrial establishment shall engage in any prank, contest, feat of strength, unnecessary running or rough and boisterous conduct. ^{Pranks or feats}

(5) A person in an industrial establishment shall report to his employer or his supervisor the existence of any defective equipment or other hazard of which he has knowledge. *New.* ^{Reporting defective equipment}

28.—(1) Subject to subsection 2, no person shall employ a child in an industrial establishment. ^{Employment of child}

(2) A child who is fourteen years of age or over may, except during school hours when he is required to attend school under *The Schools Administration Act*, be employed in an industrial ^{Employment of child during school hours}
R.S.O. 1970, c. 424

industrial establishment that is not a factory under such conditions as are prescribed by the regulations.

Liability
of parent

(3) Where a parent consents to the employment of a child in an industrial establishment contrary to subsection 1, the parent shall be deemed to have contravened this Act. R.S.O. 1970, c. 220, s. 24 (1-3), *amended*.

Duty not
to remove
safety
devices

29. No person shall remove or make ineffective any protective device provided by his employer or provided as required by this Act or the regulations without providing an adequate temporary protective device and when the need for removing or making ineffective the protective device has ceased, the protective device shall be replaced forthwith. *New*.

Lease of
unsafe
equipment

30. No person shall make any agreement for the lease of any machine, device or thing for use in or about an industrial establishment where the machine, device or thing does not comply with this Act or the regulations. R.S.O. 1970, c. 220, s. 23, *amended*.

Operation
of unsafe
equipment

31.—(1) Where a person has cause to believe that a machine, device or thing in or about an industrial establishment is unsafe that person shall not use or operate the machine, device or thing or cause or permit that machine, device or thing to be used or operated. R.S.O. 1970, c. 220, s. 22 (1), *amended*.

Idem

(2) If any machine, device or thing in or about an industrial establishment is in contravention of this Act or the regulations no person shall use or operate or cause or permit it to be used or operated. *New*.

Idem

(3) No person shall use or operate any machine, device or thing in or about an industrial establishment in a manner that does not comply with this Act or the regulations. R.S.O. 1970, c. 220, s. 22 (2), *amended*.

Refusal by
employee to
operate
machine

(4) Where an employee does not use or operate a machine, device or thing upon the ground that it is unsafe or in contravention of this Act or the regulations, he shall report the circumstances of the matter to his employer forthwith, and he shall remain in a safe location near his work station during his normal working hours unless otherwise directed or agreed to by his employer. *New*.

False
statement
or entry

32. No person shall wilfully make a false statement or entry in an application, notice, plan, report, specification, document or other information required by this Act or the regulations to be submitted, kept, served or sent, and no person shall wilfully make or sign a false statement under

this

this Act, or knowingly make use of any such false statement or entry. R.S.O. 1970, c. 220, s. 28, *amended*.

33.—(1) Where in or about an industrial establishment a person is killed or critically injured from any cause, the employer shall forthwith notify an inspector of the occurrence by telephone, telegram or other direct means and shall, within forty-eight hours after the occurrence, send the chief inspector a written report of the circumstances of the occurrence, including the particulars of,

Employer to give notice in case of death or critical injury to person

- (a) name, address and type of business of the employer;
- (b) the nature and the circumstances of the occurrence and the bodily injury sustained;
- (c) the machinery or equipment involved;
- (d) the time and place of the occurrence;
- (e) the name and address of the injured person;
- (f) the name and address of any witness to the occurrence; and
- (g) the name and address of the physician or surgeon, if any, by whom the person was or is being attended for the injury.

(2) No person shall, except for the purpose of saving life or relieving human suffering, interfere with, disturb, destroy, carry away or alter any wreckage, article or thing at the scene of or connected with the occurrence until permission so to do is given by an inspector. *New*.

Preservation of wreckage

34.—(1) Where an accident, industrial disease, explosion or fire causes injury to a person in an industrial establishment whereby he is disabled from earning full wages or required medical attention, and such occurrence does not require notice to an inspector and the sending of a written report to the chief inspector as prescribed by subsection 1 of section 33, a notice in writing of the occurrence shall be given to the chief inspector by the employer of the injured stating,

Notice of occurrence of injury to person

- (a) name, address and type of business of the employer;
- (b) the nature and the circumstances of the occurrence and the bodily injury sustained;
- (c) the machinery or equipment involved;

(d)

- (d) the time and place of the occurrence;
- (e) the name and address of the injured person;
- (f) the name and address of any witness to the occurrence; and
- (g) the name and address of the physician or surgeon, if any, by whom the person was or is being attended for the injury.

Idem

(2) Such notice shall be given within four days after the occurrence.

Notice under
R.S.O. 1970,
c. 505, s. 117
sufficient

(3) This section does not apply where a notice required to be given by an employer to the Workmen's Compensation Board by section 117 of *The Workmen's Compensation Act* has been delivered or mailed to the Workmen's Compensation Board as required by the said section 117.

Board to
give notice

(4) Where a notice required to be given by section 117 of *The Workmen's Compensation Act* is received by the Workmen's Compensation Board from an employer, a copy shall be forwarded by the Board to the chief inspector. *New.*

Notice in
case of
explosion

35.—(1) Subject to subsection 2, where an explosion occurs in an industrial establishment, a notice in writing containing particulars of such explosion shall be sent by the employer to the chief inspector within twenty-four hours after the explosion occurred.

What is an
explosion

(2) A controlled explosion or an explosion of any container being filled in a suitable protective enclosure is deemed not to be an explosion for the purposes of subsection 1, unless such explosion endangers any person in the industrial establishment or damages any structure therein or adjacent thereto. *New.*

Penalty

36. Every person who contravenes or fails to comply with,

- (a) a provision of this Act or the regulations;
- (b) a direction of an inspector; or
- (c) a condition of approval or certification,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than twelve months, or to both. R.S.O. 1970, c. 220, s. 33, *amended.*

37. No prosecution under this Act shall be instituted more than one year after the last act or default upon which the prosecution is based occurred. R.S.O. 1970, c. 220, s. 34.

38. Where there is an act or default that constitutes an offence by an employer under this Act or the regulations and the act or default has in fact been committed or made by a person other than the employer, the offence shall be deemed to have been also committed by such other person. R.S.O. 1970, c. 220, s. 30.

39. Where a person contravenes any of the provisions of this Act or the regulations or any notice, direction or order made thereunder on more than one day, each such day shall be deemed to constitute a separate offence. R.S.O. 1970, c. 220, s. 32.

40.—(1) The employment of a child in an industrial establishment contrary to subsection 1 of section 28 is *prima facie* proof of the consent of his parent thereto. R.S.O. 1970, c. 220, s. 24 (4).

(2) Where in an information it is alleged that a person is a child or otherwise under a prescribed age, the onus is on the person charged to prove that such person is not a child or is otherwise over the age alleged. R.S.O. 1970, c. 220, s. 29.

41. In any prosecution for an offence under this Act, a copy of a direction purporting to have been made under this Act or the regulations and purporting to have been signed by a person authorized by this Act to make the direction is *prima facie* proof of the direction or order without proof of the signature or authority of the person by whom it purports to be signed. *New.*

42. Where by this Act or the regulations a person is required to make an application for certification of drawings or give notice in writing, an affidavit of the chief inspector or other person designated by him sworn before a commissioner or other person authorized to take affidavits setting out that after a careful examination and search of the records he has been unable to find in a given case that the application for certification of drawings or the notice in writing has been made or given by that person or that the drawings were certified shall be received in evidence as *prima facie* proof that in such case that person did not make the application for certification of drawings or give the notice in writing or that the drawings were not certified. *New.*

43. The service or sending of a notice, order, direction or document under clause *c* of section 21 may be proved by affidavit

affidavit of the person who mailed the notice, order, direction or document, and the affidavit shall state,

- (a) the place and date of mailing ;
- (b) the name of the person and the address to which the notice, order, direction or document was sent ; and
- (c) that to the best of the knowledge and belief of the deponent the address to which the notice, order, direction or document was sent is the last known or usual address,
 - (i) of the person to whom it was sent, or
 - (ii) where the person to whom it was sent is an employer, of the industrial establishment for which he is the employer. R.S.O. 1970, c. 220, s. 15 (2).

Injunction
proceedings

44.—(1) The chief inspector may by originating notice apply to a judge of the Supreme Court for an order enjoining any person from continuing any act or default for which such person was convicted of an offence against this Act or the regulations.

Idem

(2) The judge in his discretion may make such order, and the order may be entered and enforced in the same manner as any other order or judgment of the Supreme Court. R.S.O. 1970, c. 220, s. 27.

Regulations

45.—(1) The Lieutenant Governor in Council may make such regulations as are advisable to ensure the protection of persons in or about industrial establishments.

Idem

(2) Without limiting the generality of subsection 1, the Lieutenant Governor in Council may make regulations,

1. prescribing forms and providing for their use ;
2. providing for and prescribing fees and the payment or refund of fees ;
3. requiring and prescribing the notices in one or more languages that shall be posted ;
4. prescribing the records that shall be kept by owners and employers ;
5. respecting the duties and powers of inspectors or engineers of the Department ;

6. designating equipment, machinery and devices for the purposes of section 17 and prescribing the nature of the drawings and specifications to be submitted and by whom such drawings and specifications shall be prepared or certified;
7. prescribing building standards for industrial establishments and for the purpose of this paragraph any regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code and may require compliance with any code that is so adopted;
8. prohibiting employment or modifying or limiting the hours of employment of any person or class of persons;
9. respecting the use of any material or process;
10. regulating or prohibiting the installation or use of any machine, device or thing;
11. exempting any person or any class of persons from the application of or compliance with this Act or the regulations or of any of the provisions thereof;
12. exempting any manufacture, machinery, machine, process or thing or any class of them or any description of manual labour from the application of this Act or the regulations or of any of the provisions thereof;
13. requiring and regulating protective clothing and devices for persons who are exposed to any hazards;
14. respecting any poisonous, dangerous or harmful material, substance or thing;
15. prescribing the conditions under which a child who is fourteen years of age or over may be employed in a shop, office or office building;
16. respecting the weight that may be lifted, carried or moved by any person or class of persons employed;
17. respecting protection from fire;
18. respecting the provision and maintenance of any sanitary convenience or welfare provision;
- 19.

19. respecting atmospheric conditions to which any person or class of persons may be exposed in the course of any employment ;
20. respecting medical examinations of persons employed and the reports to be made of such examinations ;
21. respecting the reporting by physicians and others of affection from dangerous or harmful substances or industrial poisoning ;
22. requiring owners and employers to transmit to the chief inspector such returns and reports as are prescribed ;
23. respecting the provision of suitable facilities for medical treatment in cases of accident or sickness and for the supervision of the general health of employees during working hours ;
24. respecting the provision of suitable facilities for handicapped persons ;
25. requiring that any machine, device or thing used bears the seal of approval of an organization designated to test and approve the machine, device or thing ;
26. requiring the approval of an inspector in respect or any method, matter or thing. R.S.O. 1970, c. 220, s. 26 (1, 2), *amended*.

R.S.O. 1970,
c. 220,
repealed

46. *The Industrial Safety Act* is repealed.

Commence-
ment

47. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

48. This Act may be cited as *The Industrial Safety Act, 1971*.

CHAPTER 44

**An Act to Regulate the
Handling and Use of Hydrocarbons**

*Assented to July 9th, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) “appliance” means a device that uses a hydrocarbon and includes all valves, fittings, controls and components attached or to be attached thereto;
- (b) “contractor” means a person who carries on the business of, or a person whose business includes, installing, removing, repairing, altering or servicing appliances, and includes a person who agrees by himself or through another to install, remove, repair, alter or service appliances sold or leased by him;
- (c) “Department” means the Department of Labour;
- (d) “Deputy Minister” means the Deputy Minister of Labour;
- (e) “distributor” means a person who supplies a hydrocarbon to an end user, and “distribute” and “distribution” have corresponding meanings;
- (f) “handling” means the transmission, transportation or distribution of a hydrocarbon, or the storage of a hydrocarbon in a container, and “handle” and “handler” have corresponding meanings;
- (g) “hydrocarbon” means a chemical compound of hydrogen and carbon used as a fuel, either liquid or gaseous;

(h)

- (h) "inspector" means an inspector appointed for the purposes of this Act and the regulations, and includes the Director;
- (i) "install" includes placing an appliance in position for temporary use, venting an appliance and connecting piping to an appliance;
- (j) "Minister" means the Minister of Labour;
- (k) "pipeline" means a pipe that is used for the transmission or distribution of a hydrocarbon and includes fittings, valves, controls, compressor stations, pressure regulating stations and meter stations, but does not include the pipe, fittings, valves or controls of the end user;
- (l) "regulation" means a regulation made under this Act;
- (m) "transmitter" means a person who supplies a hydrocarbon by pipeline to a distributor and "transmit", "transmission" and "transmission line" have corresponding meanings;
- (n) "transporter" means a person who supplies a hydrocarbon other than by pipeline to a distributor or an end user and "transport" and "transportation" have corresponding meanings;
- (o) "work" used as a noun, means the facilities used in the handling of a hydrocarbon.

Administra-
tion of
Act

2. The Minister is responsible for the administration of this Act.

Appointment
of inspectors
and Director

3.—(1) The Deputy Minister may appoint such inspectors as are necessary for the purposes of this Act and the regulations and may designate one of such inspectors as the Director.

Powers and
duties of
inspectors
and Director

(2) The inspectors and the Director may exercise the powers and shall perform the duties assigned to them by or under this or any other Act and the Director is the chief administrator of this Act and has general supervision and direction of the inspectors.

Certificate
of appoint-
ment and
identification

(3) The Deputy Minister shall issue to every inspector a certificate of his appointment and identification.

(4) Every inspector, in the execution of his duties under this Act and the regulations, shall produce his certificate of appointment and identification upon request. ^{Production of certificate}

4.—(1) An inspector may for the purpose of carrying out his duties under this Act and the regulations, ^{Powers of inspectors}

(a) subject to subsection 2, enter in or upon any premises at any time without a warrant ;

(b) take up or use at any time any work or appliance or part thereof ;

(c) require the production of any drawing or specification of a work or appliance, or any part thereof, or any licence, record or report and may inspect, and make copies of, the same and may require information from any person concerning any matter related to a work or appliance or part thereof or the handling or use thereof ;

(d) be accompanied by any person at the request of the inspector who has special or expert knowledge of any matter in relation to a work or appliance or a part thereof or the handling or use thereof ;

(e) alone, or in conjunction with such other persons possessing special or expert knowledge, make such examinations, tests or inquiries as may be necessary to ascertain whether this Act and the regulations are being complied with and for such purpose take or remove any material or substance subject to the handler or user being notified thereof.

(2) An inspector shall not enter any room or place actually being used as a dwelling where the occupier refuses entry except under the authority of a search warrant issued under section 16 of *The Summary Convictions Act*. ^{Warrant}

R.S.O. 1970,
c. 450

5.—(1) No person shall hinder, obstruct, molest or interfere with or attempt to hinder, obstruct, molest or interfere with an inspector in the exercise of a power or the performance of a duty under this Act and the regulations. ^{Obstruction of inspector}

(2) Every person shall furnish all necessary means in his power to facilitate any entry, inspection, examination or inquiry by an inspector in the exercise of his powers and duties under this Act and the regulations. ^{Assistance of inspector}

Refusal
to produce

(3) No person shall neglect or refuse to produce a licence, certificate, drawing, specification, record or report as required by an inspector under clause *c* of subsection 1 of section 4.

False
information

(4) No person shall furnish an inspector with false information or neglect or refuse to furnish information required by an inspector in the exercise of his duties under this Act and the regulations.

Information
confidential

6.—(1) An inspector shall not publish, disclose or communicate to any person any information, record, report or statement acquired, furnished, obtained, made or received under the powers conferred under this Act and the regulations except for the purposes of carrying out his duties under this Act and the regulations.

Compel-
liability in
civil suit

(2) An inspector is not a compellable witness in a civil suit or proceeding respecting any information, record, report, statement or test acquired, furnished, obtained, made or received under the powers conferred under this Act and the regulations.

Exception

(3) The Director may disclose or publish information, material, statements or result of a test acquired, furnished, obtained or made under the powers conferred under this Act and the regulations.

Liability
of inspector

7.—(1) No action, or other proceeding for damages lies or shall be instituted against an inspector for an act or omission by him in good faith in the execution or intended execution of any power or duty under this Act or the regulations.

Liability
of Crown
R.S.O. 1970,
c. 365

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an inspector to which it would otherwise be subject and the Crown is liable under that Act for any such tort in like manner as if subsection 1 had not been enacted.

Directions
by inspector
where non-
compliance

8.—(1) Where an inspector finds that any provision of this Act or the regulations is being contravened, he may give to the person whom he believes to be the contravener, his supervisor or foreman or any of them an order in writing directing compliance with such provision and may require the order to be carried out forthwith or within such time as he specifies.

(2) Where an inspector gives an order under this section, ^{Idem} the order shall contain sufficient information to specify the nature of the contravention.

(3) Where an inspector gives an order under this section ^{Affixing tags} and he considers that the contravention of this Act or the regulations may be a hazard to persons or property, he,

- (a) shall order that the appliance or work shall not be used until the order is complied with;
- (b) shall affix a tag in the prescribed form to the appliance or work and, subject to subsection 4, no person except an inspector shall remove the tag; and
- (c) shall notify in writing the owner or person in charge of the appliance or work and the handler of the affixing of the tag.

(4) Where a tag has been affixed to the appliance or work, ^{Removal of tags} the tag shall not be removed except by a gas fitter, propane fitter or oil-burner mechanic certified under this Act and the regulations who has made the appliance or work conform to or comply with this Act and the regulations.

(5) When the tag is removed by a gas fitter, propane ^{Idem} fitter or oil-burner mechanic under subsection 4, the fitter or mechanic shall endorse his certificate number, name and address upon the tag and send it by prepaid registered mail or deliver it to the inspector who affixed the tag.

(6) No person shall remove a hydrocarbon from or ^{Use of tagged appliance} knowingly supply a hydrocarbon to an appliance or work to which a tag is attached, except a gas fitter, propane fitter or oil-burner mechanic certified under this Act and the regulations for the purpose of making the appliance or work conform to or comply with this Act and the regulations.

(7) No person shall use an appliance or work to which a ^{Idem} tag is attached.

(8) Any person who considers himself aggrieved by a decision ^{Appeal from inspector} or order of an inspector made under this section may appeal to the Director who shall hear and dispose of the appeal as promptly as is practicable but the bringing of such appeal does not affect the operation of the decision or order appealed from pending disposition of the appeal.

(9) An appeal to the Director may be made in writing or ^{Oral or written} orally or by telephone but the Director may require the grounds

grounds for appeal to be specified in writing before the appeal is heard.

Powers of
Director

(10) On an appeal under this section, the Director may substitute his findings or opinion for those of the inspector who made the decision or order appealed from and may rescind or affirm the decision or order or make a new decision or order in substitution therefor and the decision or order of the Director shall stand in place of and have the like effect under this Act as the decision or order of the inspector.

Dangerous
accidents

9. Subject to the regulations, where it appears that carbon monoxide poisoning, asphyxiation, explosion or fire has occurred because of the use or handling of a hydrocarbon,

- (a) the handler shall forthwith notify an inspector of the occurrence by telephone, telegraph or other direct means; and
- (b) no person shall, except in the interests of public safety, saving life, relieving human suffering, continuity of service or preservation of property, interfere with or disturb any wreckage, article or thing at the scene of and connected with the occurrence, but in no case shall the wreckage, article or thing be carried away or destroyed by any person unless permission so to do is given by an inspector.

Sale of
appliance
where
approval
required

10. Where the regulations require the approval of an appliance or any equipment or other thing employed or to be employed in the handling or use of a hydrocarbon, no person shall offer for sale, sell, lease, rent, buy or install the appliance or equipment or other thing unless it is approved.

Installation,
etc., of
appliance

11. No person shall install, alter, repair, service or remove any appliance or any equipment or other thing employed or to be employed in the handling or use of a hydrocarbon except in accordance with the regulations.

Handler's
licence

12. No person shall handle a hydrocarbon unless he is the holder of a licence for that purpose.

Registration
of
contractors

13. No person shall be a contractor unless he is registered for the purpose.

Installer's
certificate

14.—(1) Subject to the regulations, no person shall install, alter, purge, activate, repair, service or remove any appliance or any equipment or other thing employed or to be employed in the handling or use of a hydrocarbon unless he is the holder of a certificate for the purpose.

(2) Subsection 1 does not apply where the installing, ^{Exception} altering, purging, activation, repair, service or removal is done by a person in the presence of a holder of the certificate referred to in subsection 1.

15.—(1) No person shall initially activate an appliance that ^{Notice of initial activation of appliance} is to be supplied with a hydrocarbon by pipeline without first giving notice in writing to the distributor of the address of the premises at which the installation was made or is to be made and the type of appliance supplied or to be supplied.

(2) Where premises are connected to a supply of hydro- ^{Examination before initial activation of appliance} carbon by pipeline for the first time, no person shall initially activate an appliance in the premises that is connected to the pipeline until the distributor of the hydrocarbon has examined the installation of the appliance and has accepted the installation and use as being in compliance with this Act and the regulations.

16. A distributor shall have access, at all reasonable times ^{Access by distributor} and upon reasonable notice, to all parts of every premises to which he supplies a hydrocarbon by pipeline for the purpose of,

- (a) examining any appliance in or on the premises and disconnecting the appliance if it, its installation or its use does not conform with this Act or the regulations; and
- (b) placing, protecting, setting, shutting off, removing, repairing or altering any meter or regulator owned by the distributor in or on the premises.

17.—(1) No person shall activate a pipeline until it has ^{Initial activation of pipeline} been examined and accepted as being in accordance with the regulations.

(2) The examination and acceptance required by sub- ^{Idem} section 1 shall be made by a person who holds a certificate as a pipeline inspector issued under the regulations.

18.—(1) No person shall dig, bore, trench, grade, excavate ^{Duty to inquire before excavation} or break ground with mechanical equipment or explosives without first ascertaining the location of any pipeline that may be interfered with.

(2) Where the owner of a pipeline is requested by any ^{Duty to provide information} person about to dig, bore, trench, grade, excavate or break ground with mechanical equipment or explosives to give the location of a pipeline for the purpose of subsection 1, he shall

within

within a reasonable time of the receipt of the request and having regard to all the circumstances of the case, furnish reasonable information as to the location of the pipeline.

Interference
with pipeline

19. No person shall interfere with or damage any pipeline without authority to do so.

Duty of
employer
to obtain
compliance

20.—(1) Every person who installs, removes, repairs, alters or services appliances or works shall instruct his employees to comply with this Act and the regulations.

Idem

(2) Every person who installs, removes, repairs, alters or services appliances or works shall take every precaution reasonable in the circumstances to ensure that his employees comply with this Act and the regulations.

Order for
priority
of use

21.—(1) Notwithstanding anything in this or any other Act, or in any contract for the supply of natural gas made between a distributor and a consumer, where the supply of natural gas to a distributor is interrupted or curtailed, the Minister may order a distributor to halt or reduce the supply of natural gas to a consumer or a class or classes of consumers if he considers it advisable in the circumstances.

Compliance

(2) Every person to whom such an order is directed shall comply therewith in accordance with its terms.

Issuance
of licences,
certificates
and regis-
tration

22.—(1) A licence, certificate or registration shall be issued or made by the Director and is subject to such terms and conditions as are therein contained or as prescribed by the regulations.

Refusal,
suspension
or revocation

(2) The Director may refuse to grant or renew or may suspend or revoke a licence, certificate or registration where,

- (a) the applicant or holder has contravened a provision of this Act or the regulations; or
- (b) there are reasonable grounds for believing that the applicant or holder is without capacity or not competent or lacks reasonable skill.

Notice of
proposed
refusal or
revocation

23.—(1) Where the Director proposes to refuse to grant or to refuse to renew or to suspend or revoke a licence, certificate or registration he shall serve notice of his proposal, together with written reasons therefor, on the applicant or holder of the licence, certificate or registration.

(2)

(2) A notice under subsection 1 shall inform the applicant ^{Idem} or holder of the licence, certificate or registration that he is entitled to a hearing by a judge of the county or district court for the county or district in which he resides if he applies to a judge thereof within fifteen days after the notice under subsection 1 is served on him and he may so apply for such a hearing.

(3) Where an applicant or holder of a licence, certificate or registration does not apply to a judge for a hearing in accordance with subsection 2, the Director may refuse to grant a licence, certificate or registration, or carry out the proposal stated in his notice under subsection 1. ^{Powers of Director where no hearing}

(4) Where an applicant or holder of a licence, certificate or registration applies to a judge for a hearing in accordance with subsection 2, the judge shall in writing appoint a time and place for and hold the hearing. ^{Appointment for hearing}

(5) Upon the application of the Director at the hearing, the judge may by order require the Director to grant the licence, certificate or registration, or permit him to carry out his proposal, or direct that such action as the judge considers proper be taken by the Director in accordance with this Act and the regulations and for such purposes the judge may substitute his opinion for that of the Director. ^{Powers of judge where hearing}

(6) The Director may serve notice under subsection 1 personally or by registered mail addressed to the applicant or the holder of the licence, certificate or registration at his address last known to the Director and where notice is served by registered mail the notice shall be deemed to have been served on the third day after the day of mailing unless the person to whom notice is being given establishes to the judge to whom he applies for a hearing that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date. ^{Service of notice}

(7) A judge to whom application is made by an applicant or the holder of a licence, certificate or registration for a hearing under this section, may extend the time for making the application, either before or after expiration of the time fixed therein, where he is satisfied that there are *prima facie* grounds for granting relief to the applicant or the holder of a licence, certificate or registration pursuant to a hearing and that there are reasonable grounds for applying for the extension, and may give such directions as he considers proper consequent upon the extension. ^{Extension of time for application}

Continuation
pending
renewal

(8) Where, within the time prescribed therefor or, if no time is prescribed, prior to the expiry of his licence, certificate or registration a holder of a licence, certificate or registration has applied for renewal of his licence, certificate or registration and paid the prescribed fee, his licence, certificate or registration shall be deemed to continue,

(a) until the renewal is granted ; or

(b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for applying for a hearing by a judge has expired and, where a hearing is applied for, until the judge has made his decision.

Parties

24.—(1) The Director, the applicant, the holder of the licence, certificate or registration who has applied for the hearing and such other persons as are specified by the judge are parties to the proceedings before a judge under section 23.

Opportunity
to achieve
compliance

(2) Notice of a hearing under section 23 shall afford to the holder of a licence, certificate or registration a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the retention of the licence, certificate or registration.

Examina-
tion of
documentary
evidence

(3) An applicant or holder of a licence, certificate or registration who is a party to proceedings under section 23 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Recording
evidence

(4) The oral evidence taken before a judge at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings
of fact

(5) The findings of fact of a judge pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. 47

Appeal to
Supreme
Court

25.—(1) Any party to proceedings before a judge under section 23 may appeal from the decision or order of the judge to the Supreme Court in accordance with the rules of court.

Record to
be filed

(2) Where notice of an appeal is served under this section, the judge shall forthwith file in the Supreme Court the record of the proceedings before him in which the decision or order was made, which, together with the transcript of the evidence

before

before the judge if it is not part of the record of the judge, shall constitute the record in the appeal.

(3) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section. Minister
entitled to
be heard

(4) The Supreme Court may, on the appeal, affirm the decision of the judge appealed from or may rescind it and make such new decision as the court considers proper under this Act and the regulations and may order the Director to do any act or thing he is authorized to do under this Act and as the court considers proper and for such purpose the court may substitute its opinion for that of the Director or of the judge, or the court may refer the matter back to the judge for rehearing, in whole or in part, in accordance with such directions as the court considers proper. Powers of
court on
appeal

26. Notwithstanding section 21, the Director by notice to the holder of a licence, certificate or registration and without a hearing, may provisionally refuse to renew or suspend the holder's licence, certificate or registration where in the Director's opinion it is necessary to do so for the immediate protection of any person or the public and the Director so states in such notice giving his reasons therefor, and thereafter section 23 applies as if the notice given under this section were a notice of a proposal to revoke the licence, certificate or registration under section 22. Interim
suspension
pending
final
decision

27. Every person who,

Offences

- (a) contravenes or fails to comply with any provision of this Act or the regulations;
- (b) knowingly makes a false statement in any document required by the regulations;
- (c) contravenes or fails to comply with a term or condition of a licence, certificate or registration;
- (d) contravenes or fails to comply with an order of an inspector given under section 8; or
- (e) contravenes or fails to comply with an order of the Minister made under section 21,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than one year, or to both.

28.—(1) The Lieutenant Governor in Council may make regulations for the handling and use of hydrocarbons and, in particular Regulations

particular and without limiting the generality of the foregoing, may make regulations,

- (a) regulating the installation, filling, testing, maintenance, repair, removal, replacement, inspection and use of appliances or works and the handling and use of hydrocarbons;
- (b) requiring and providing for the approval of design and construction standards for appliances and works;
- (c) designating organizations to test appliances to the standards approved under the regulations and providing for the placing of the label of such organization on the appliances and works that conform to the standards;
- (d) prohibiting the sale, purchase, renting and use of an appliance that does not bear the label of a testing organization or of the Department;
- (e) requiring the reporting of accidents;
- (f) requiring safety procedures to be filed by distributors and for the approval thereof by the Director and compliance therewith by distributors;
- (g) requiring owners of pipelines to develop procedures for locating pipelines and providing for the approval of such procedures by the Director;
- (h) providing for the registration of contractors and providing for the expiry and renewal of registration;
- (i) providing for the issue, expiry and renewal of licences, certificates or labels and prescribing terms and conditions upon which licences, certificates or labels may be issued or renewed;
- (j) prescribing the fees to be paid for the inspection of pipelines or appliances and prescribing by whom the fees shall be paid;
- (k) prescribing the fee payable for any application, examination, certificate, licence, label, registration, or renewal thereof;
- (l) prescribing forms and tags, and providing for their use;

(m)

(m) providing for and requiring the keeping of records and plans and the making of affidavits, returns, statements or reports on the handling or use of a hydrocarbon;

(n) exempting any person or any class of persons, and any appliance or work or any class of them from compliance with this Act and the regulations or of any of the provisions thereof;

(o) for any matter provided in this Act to be done by regulation.

(2) A regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code and may require compliance with any code that is so adopted. Adoption of codes by reference

(3) A regulation may be general or particular in its application. Limited application of regulations

29. This Act and the regulations prevail over any municipal by-law. Municipal by-laws

30. Every licence, certificate, label, registration or approval issued, made or given under *The Energy Act, 1964* or *The Energy Act*, and in force on the day this Act comes into force shall be deemed to have been issued, made or given under this Act. Continuation of licences, etc.
1964, c. 27
R.S.O. 1970, c. 148

31. Notwithstanding *The Energy Act, 1964* or *The Energy Act*, this Act applies to the handling and use of hydrocarbons. Act superseded 1964, c. 27
R.S.O. 1970, c. 148

32. *The Energy Act* is repealed. R.S.O. 1970, c. 148, repealed

33. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

34. This Act may be cited as *The Energy Act, 1971*. Short title

CHAPTER 45

**An Act to amend
The Agricultural Representatives Act**

*Assented to July 9th, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Agricultural Representatives Act* is amended by adding thereto the following subsection:

R.S.O. 1970,
c. 13, s. 4,
amended

(3) Every district and regional municipality shall be deemed to be a county for the purposes of this section.

District and
regional
municipal-
ities
deemed
counties

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Agricultural Representatives Amendment Act, 1971*.

Short title

CHAPTER 46

An Act to amend The Public Lands Act

*Assented to July 23rd, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 2 and 3 of section 17 of *The Public Lands Act* are repealed and the following substituted therefor:

R.S.O. 1970,
c. 380, s. 17,
subss. 2, 3,
re-enacted

(2) Except under the authority of a permit issued under this Act, no person shall erect or cause to be erected any building or structure or make or cause to be made any improvement on any lands in any area in territory without municipal organization that is designated by the Minister as a restricted area.

Permits

(3) Every person who erects or causes to be erected a building or structure or makes or causes to be made any improvement on lands in an area designated by the Minister as a restricted area without a permit therefor and every person who contravenes or causes to be contravened any term or condition of a permit issued under this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

Offences

2. Section 29 of *The Public Lands Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 380, s. 29,
re-enacted

29. Every person who without the written consent of the Minister or an officer authorized by the Minister throws or deposits or causes to be deposited any material, substance or thing upon public lands whether or not covered with water or ice, or both, is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

Penalty for
unauthorized
filling in,
etc., of
public
lands

R.S.O. 1970,
c. 380, s. 30,
subss. 1, 2,
re-enacted

3. Subsections 1 and 2 of section 30 of *The Public Lands Act* are repealed and the following substituted therefor:

Unauthorized
occupation,
etc., of
posted public
lands

(1) The Department may cause to be erected on any public lands, including a road under the jurisdiction of the Minister, signs prohibiting, controlling or governing,

(a) the possession, occupation or any use or uses thereof; or

(b) the parking of vehicles thereon.

Offences

(2) Every person who possesses, occupies or uses any public lands on which signs have been erected under clause *a* of subsection 1 in contravention of any such sign, or who parks a vehicle on public lands on which signs have been erected under clause *b* of subsection 1 in contravention of any such sign, and who has had a reasonable opportunity of seeing any of such signs, is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

R.S.O. 1970,
c. 380, s. 34,
re-enacted

4. Section 34 of *The Public Lands Act* is repealed and the following substituted therefor:

Cancellation
of erroneous
letters patent

34.—(1) Where letters patent have been issued to or in the name of the wrong person, through mistake, or contain any clerical error or misnomer or a wrong description of the land intended to be granted, the Minister, if there is no adverse claim, may direct the defective letters patent to be cancelled and corrected letters patent to be issued in their stead.

Effect of
corrected
letters patent

(2) Corrected letters patent heretofore or hereafter issued shall,

(a) relate back to the date of the defective letters patent cancelled pursuant to subsection 1;

(b) have the same effect as if issued at the date of the defective letters patent cancelled pursuant to subsection 1; and

(c) have the effect of correcting, *mutatis mutandis*, every instrument made prior to the date of such corrected letters patent by the patentee or any person claiming through or under him.

- (3) The powers conferred by subsection 1 may be exercised notwithstanding that the land has been registered under *The Land Titles Act*. Land registered under R.S.O. 1970, c. 234

5. *The Public Lands Act* is amended by adding thereto the following Part : R.S.O. 1970, c. 380, amended

PART IV

CONSTRUCTION OF DAMS

73. In this Part, "dam" includes a channel, diversion, dock, groyne, light, pier, slide, warning device, wharf or work for the control and regulation of water and any building, road, structure, service or temporary installation necessary or incidental thereto. Interpretation
74. The Minister may design, construct, renovate, service, maintain, repair, furnish, equip, manage and administer dams. Construction
75. Land or any interest therein may be acquired or expropriated under *The Public Works Act* for the purpose of this Part. Acquisition of land R.S.O. 1970, c. 393
76. The Minister may enter into any contract or agreement that he considers advisable to effect the purposes of this Part. Agreements
- 77.—(1) In the event of emergency, as declared by the Lieutenant Governor in Council, respecting the safety of persons or the protection or preservation of public or private property, the Minister or any person authorized by him, may, without the consent of the owner, Power to enter and use
- (a) enter upon and use any land ;
 - (b) alter in any manner any natural or artificial feature of any land ;
 - (c) construct and use roads on, to and from any land ;
 - (d) construct and use all necessary sidings, water pipes, conduits or tracks in, over or upon any land ; or
 - (e) place upon or remove from any land any substance or structure.

Compensa-
tion

R.S.O. 1970,
c. 154

(2) Any powers referred to in subsection 1 may be exercised immediately notwithstanding any provision of *The Expropriations Act* and without the filing of a plan and the owner of the land is entitled to compensation in the manner provided in that Act.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Public Lands Amendment Act, 1971*.

CHAPTER 47

**An Act to provide Procedures governing the
Exercise of Statutory Power granted to Tri-
bunals by the Legislature wherein the Rights,
Duties or Privileges of Persons are to be decided
at or following a Hearing**

*Assented to July 23rd, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) "Committee" means the Statutory Powers Procedure Rules Committee established by this Act;
- (b) "licence" includes any permit, certificate, approval, registration or similar form of permission required by law;
- (c) "municipality" has the same meaning as in *The Department of Municipal Affairs Act*, and includes a district, metropolitan and regional municipality and their local boards; R.S.O. 1970,
c. 118
- (d) "statutory power of decision" means a power or right, conferred by or under a statute, to make a decision deciding or prescribing,
 - (i) the legal rights, powers, privileges, immunities, duties or liabilities of any person or party, or
 - (ii) the eligibility of any person or party to receive, or to the continuation of, a benefit or licence, whether he is legally entitled thereto or not;
- (e) "tribunal" means one or more persons, whether or not incorporated and however described, upon which a statutory power of decision is conferred by or under a statute.

Meaning of
"person"
extended

(2) A municipality, an unincorporated association of employers, a trade union or council of trade unions who may be a party to proceedings in the exercise of a statutory power of decision under the statute conferring the power, shall be deemed to be a person for the purpose of any provision of this Act or of any rule made under this Act that applies to parties.

PART I

MINIMUM RULES FOR PROCEEDINGS OF CERTAIN TRIBUNALS

Interpre-
tation

2. In this Part,

- (a) "hearing" means a hearing in any proceedings;
- (b) "proceedings" means proceedings to which this Part applies.

Application
of Part I

3.—(1) Subject to subsection 2, this Part applies to proceedings by a tribunal in the exercise of a statutory power of decision conferred by or under an Act of the Legislature, where the tribunal is required by or under such Act or otherwise by law to hold or to afford to the parties to the proceedings an opportunity for a hearing before making a decision.

Where
Part I
does not
apply

(2) This Part does not apply to proceedings,

- (a) before the Assembly or any committee of the Assembly;
- (b) in or before,
 - (i) the Supreme Court,
 - (ii) a county or district court,
 - (iii) a surrogate court,
 - (iv) a provincial court established under *The Provincial Courts Act*,
 - (v) a small claims court,
 - (vi) a justice of the peace,
 - (vii) an election court under *The Controverted Elections Act*;
- (c) to which the Rules of Practice and Procedure of the Supreme Court apply;
- (d) before an arbitrator to which *The Arbitrations Act* or *The Labour Relations Act* applies;

R.S.O. 1970,
c. 369

R.S.O. 1970,
c. 84

R.S.O. 1970,
cc. 25, 232

(e)

- (e) at a coroner's inquest;
- (f) of a commission appointed under *The Public Inquiries Act, 1971*;
- (g) of one or more persons required to make an investigation and to make a report, with or without recommendations, where the report is for the information or advice of the person to whom it is made and does not in any way legally bind or limit that person in any decision he may have power to make;
- (h) of a tribunal empowered to make regulations, rules or by-laws in so far as its power to make regulations, rules or by-laws is concerned.

4. Notwithstanding anything in this Act and unless otherwise provided in the Act under which the proceedings arise, or the tribunal otherwise directs, any proceedings may be disposed of by, ^{Disposition of proceedings without a hearing}

- (a) agreement;
- (b) consent order; or
- (c) a decision of the tribunal given,
 - (i) without a hearing, or
 - (ii) without compliance with any other requirement of this Act,

where the parties have waived such hearing or compliance.

5. The parties to any proceedings shall be the persons specified as parties by or under the statute under which the proceedings arise or, if not so specified, persons entitled by law to be parties to the proceedings. ^{Parties}

6.—(1) The parties to any proceedings shall be given reasonable notice of the hearing by the tribunal. ^{Notice of hearing}

(2) A notice of a hearing shall include, Idem

- (a) a statement of the time, place and purpose of the hearing;
- (b) a reference to the statutory authority under which the hearing will be held; and

(c)

- (c) a statement that if the party notified does not attend at the hearing, the tribunal may proceed in his absence and he will not be entitled to any further notice in the proceedings.

Effect of
non-
attendance
at hearing
after due
notice

7. Where notice of a hearing has been given to a party to any proceedings in accordance with this Act and the party does not attend at the hearing, the tribunal may proceed in his absence and he is not entitled to any further notice in the proceedings.

Where
character,
etc., of a
party is
in issue

8. Where the good character, propriety of conduct or competence of a party is an issue in any proceedings, the party is entitled to be furnished prior to the hearing with reasonable information of any allegations with respect thereto.

Hearings
to be
public,
exceptions

9.—(1) A hearing shall be open to the public except where the tribunal is of the opinion that,

- (a) matters involving public security may be disclosed; or
- (b) intimate financial or personal matters or other matters may be disclosed at the hearing of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof in the interests of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public,

in which case the tribunal may hold the hearing concerning any such matters *in camera*.

Maintenance
of order at
hearings

(2) A tribunal may make such orders or give such directions at a hearing as it considers necessary for the maintenance of order at the hearing, and, if any person disobeys or fails to comply with any such order or direction, the tribunal or a member thereof may call for the assistance of any peace officer to enforce the order or direction, and every peace officer so called upon shall take such action as is necessary to enforce the order or direction and may use such force as is reasonably required for that purpose.

Rights of
parties to
counsel,
to examine
witnesses,
etc., at
hearings

10. A party to proceedings may at a hearing,

- (a) be represented by counsel or an agent;
- (b) call and examine witnesses and present his arguments and submissions;

(c)

- (c) conduct cross-examinations of witnesses at a hearing reasonably required for a full and fair disclosure of the facts in relation to which they have given evidence.

11.—(1) A witness at a hearing is entitled to be advised by his counsel or agent as to his rights but such counsel or agent may take no other part in the hearing without leave of the tribunal. ^{Rights of witnesses to counsel}

(2) Where a hearing is *in camera*, a counsel or agent for a witness is not entitled to be present except when that witness is giving evidence. ^{Idem}

12.—(1) A tribunal may require any person, including a party, by summons, ^{Summonses}

- (a) to give evidence on oath or affirmation at a hearing; and
- (b) to produce in evidence at a hearing documents and things specified by the tribunal,

relevant to the subject-matter of the proceedings and admissible at a hearing.

(2) A summons issued under subsection 1 shall be in Form 1 and, ^{Form and service of summonses}

- (a) where the tribunal consists of one person, shall be signed by him; or
- (b) where the tribunal consists of more than one person, shall be signed by the chairman of the tribunal or in such other manner as documents on behalf of the tribunal may be signed under the statute constituting the tribunal; and
- (c) shall be served personally on the person summoned who shall be paid the like fees and allowances for his attendance as a witness before the tribunal as are paid for the attendance of a witness summoned to attend before the Supreme Court.

(3) Upon proof to the satisfaction of a judge of the Supreme Court of the service of a summons under this section upon a person and that, ^{Bench warrants}

- (a) such person has failed to attend or to remain in attendance at a hearing in accordance with the requirements of the summons;
- (b) a sufficient sum for his fees and allowances has been duly paid or tendered to him; and

(c)

(c) his presence is material to the ends of justice,

the judge may, by his warrant in Form 2, directed to any sheriff, police officer or constable, cause such witness to be apprehended anywhere within Ontario and forthwith to be brought before the tribunal and to be detained in custody as the judge may order until his presence as a witness before the tribunal is no longer required, or, in the discretion of the judge, to be released on a recognizance (with or without sureties) conditioned for appearance to give evidence.

Proof of
service

(4) Service of a summons and payment of tender of fees or allowance may be proved by affidavit in an application under subsection 3.

Certificate
of facts

(5) Where an application under subsection 3 is made on behalf of a tribunal, the person constituting the tribunal, or where the tribunal consists of two or more persons, the chairman thereof may certify to the judge the facts relied on to establish that the presence of the person summoned is material to the ends of justice and such certificate may be accepted by the judge as proof of such facts.

Idem

(6) Where an application under subsection 3 is made by a party to the proceedings, proof of the facts relied on to establish that the presence of the person summoned is material to the ends of justice may be by affidavit of such party.

Contempt
proceedings

13. Where any person without lawful excuse,

- (a) on being duly summoned under section 12 as a witness at a hearing makes default in attending at the hearing; or
- (b) being in attendance as a witness at a hearing, refuses to take an oath or to make an affirmation legally required by the tribunal to be taken or made, or to produce any document or thing in his power or control legally required by the tribunal to be produced by him or to answer any question to which the tribunal may legally require an answer; or
- (c) does any other thing that would, if the tribunal had been a court of law having power to commit for contempt, have been contempt of that court,

the tribunal may, of its own motion or on application of a party to the proceedings, state a case to the Divisional Court setting out the facts and that court may, on application on behalf of and in the name of the tribunal or by such party, inquire into the matter and, after hearing any witnesses who may be produced against or on behalf of that person and

after

after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

14.—(1) A witness at a hearing shall be deemed to have objected to answer any question asked him upon the ground that his answer may tend to criminate him or may tend to establish his liability to civil proceedings at the instance of the Crown, or of any person, and no answer given by a witness at a hearing shall be used or be receivable in evidence against him in any trial or other proceedings against him thereafter taking place, other than a prosecution for perjury in giving such evidence. Protection
for
witnesses

(2) A witness shall be informed by the tribunal of his right to object to answer any question under section 5 of the *Canada Evidence Act*. Right to
object
under
R.S.C. 1952,
c. 307

15.—(1) Subject to subsections 2 and 3, a tribunal may admit as evidence at a hearing, whether or not given or proven under oath or affirmation or admissible as evidence in a court, What is
admissible
in evidence
at a hearing

- (a) any oral testimony; and
- (b) any document or other thing,

relevant to the subject matter of the proceedings and may act on such evidence, but the tribunal may exclude anything unduly repetitious.

- (2) Nothing is admissible in evidence at a hearing, What is
inadmissible
in evidence
at a hearing
- (a) that would be inadmissible in a court by reason of any privilege under the law of evidence; or
 - (b) that is inadmissible by the statute under which the proceedings arise or any other statute.

(3) Nothing in subsection 1 overrides the provisions of any Act expressly limiting the extent to or purposes for which any oral testimony, documents or things may be admitted or used in evidence in any proceedings. Conflicts

(4) Where a tribunal is satisfied as to their authenticity, a copy of a document or other thing may be admitted as evidence at a hearing. Copies

(5) Where a document has been filed in evidence at a hearing, the tribunal may, or the person producing it or entitled to it may with the leave of the tribunal, cause the document to be photocopied and the tribunal may authorize the photocopy to be filed in evidence in the place of the document filed and release the document filed, or may furnish to the person producing it or the person entitled to it a photocopy of the document filed certified by a member of the tribunal. Photo-
copies

Certified
copy
admissible in
evidence

(6) A document purporting to be a copy of a document filed in evidence at a hearing, certified to be a true copy thereof by a member of the tribunal, is admissible in evidence in proceedings in which the document is admissible as evidence of the document.

Notice of
facts and
opinions

16. A tribunal may, in making its decision in any proceedings,

- (a) take notice of facts that may be judicially noticed; and
- (b) take notice of any generally recognized scientific or technical facts, information, or opinions within its scientific or specialized knowledge.

Decision

17. A tribunal shall give its final decision and order, if any, in any proceedings in writing and shall give reasons in writing therefor if requested by a party.

Notice of
decision

18. A tribunal shall send by first class mail addressed to the parties to any proceedings who took part in the hearing, at their addresses last known to the tribunal, a copy of its final decision and order, if any, in the proceedings, together with the reasons therefor, where reasons have been given, and each party shall be deemed to have received a copy of the decision or order on the fifth day after the day of mailing unless the party did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the copy of the decision or order until a later date.

Enforcement
of decision

19.—(1) A certified copy of a final decision and order, if any, of a tribunal in any proceedings may be filed in the office of the Registrar of the Supreme Court by the tribunal or by a party and, if it is for the payment of money, it may be enforced at the instance of the tribunal or of such party in the name of the tribunal in the same manner as a judgment of that court, and in all other cases by an application by the tribunal or by such party to the court for such order as the court may consider just.

Idem

(2) Where a tribunal having power to do so makes an order or decision rescinding or varying an order or decision previously made by it that has been filed under subsection 1, upon filing in accordance with subsection 1 the order or decision rescinding or varying the order or decision previously made,

- (a) if the order or decision rescinds the order or decision previously made, the order or decision previously made ceases to have effect for the purposes of subsection 1; or

(b)

- (b) if the order or decision varies the order or decision previously made, the order or decision previously made as so varied may be enforced in a like manner as an order or decision filed under subsection 1.

20. A tribunal shall compile a record of any proceedings Record of proceedings in which a hearing has been held which shall include,

- (a) any application, complaint, reference or other document, if any, by which the proceedings were commenced;
- (b) the notice of any hearing;
- (c) any intermediate orders made by the tribunal;
- (d) all documentary evidence filed with the tribunal, subject to any limitation expressly imposed by any other Act on the extent to or the purposes for which any such documents may be used in evidence in any proceedings;
- (e) the transcript, if any, of the oral evidence given at the hearing; and
- (f) the decision of the tribunal and the reasons therefor, where reasons have been given.

21. A hearing may be adjourned from time to time by a Adjournments tribunal of its own motion or where it is shown to the satisfaction of the tribunal that the adjournment is required to permit an adequate hearing to be held.

22. A member of a tribunal has power to administer oaths Administration of oaths and affirmations for the purpose of any of its proceedings and the tribunal may require evidence before it to be given under oath or affirmation.

23.—(1) A tribunal may make such orders or give such Abuse of processes directions in proceedings before it as it considers proper to prevent abuse of its processes.

(2) A tribunal may reasonably limit further cross-examination of a witness where it is satisfied that the cross-examination of the witness has been sufficient to disclose fully and fairly the facts in relation to which he has given evidence. Limitation on cross-examination

(3) A tribunal may exclude from a hearing anyone, other than a barrister and solicitor qualified to practise in Ontario, appearing as an agent on behalf of a party or as an adviser to a witness if it finds that such person is not competent properly Exclusion of agents

to represent or to advise the party or witness or does not understand and comply at the hearing with the duties and responsibilities of an advocate or adviser.

Notice, etc.

24.—(1) Where a tribunal is of opinion that because the parties to any proceedings before it are so numerous or for any other reason, it is impracticable,

(a) to give notice of the hearing; or

(b) to send its decision and the material mentioned in section 18,

to all or any of the parties individually, the tribunal may, instead of doing so, cause reasonable notice of the hearing or of its decision to be given to such parties by public advertisement or otherwise as the tribunal may direct.

Contents
of notice

(2) A notice of a decision given by a tribunal under clause *b* of subsection 1 shall inform the parties of the place where copies of the decision and the reasons therefor, if reasons were given, may be obtained.

Appeal
operates
as stay,
exception

25.—(1) Unless it is expressly provided to the contrary in the Act under which the proceedings arise, an appeal from a decision of a tribunal to a court or other appellate tribunal operates as a stay in the matter except where the tribunal or the court or other body to which the appeal is taken otherwise orders.

Idem
1971, c. 48

(2) An application for judicial review under *The Judicial Review Procedure Act, 1971*, or the bringing of proceedings specified in subsection 1 of section 2 of that Act is not an appeal within the meaning of subsection 1.

PART II

STATUTORY POWERS PROCEDURE RULES COMMITTEE

Rules
Committee,
composition

26.—(1) There shall be a committee to be known as the Statutory Powers Procedure Rules Committee composed of,

(a) the Deputy Minister of Justice and Deputy Attorney General who shall be chairman of the Committee, but in his absence or at his request his nominee shall act in his place;

(b) the chairman of the Ontario Law Reform Commis-

(c)

- (c) a judge of the Supreme Court, appointed by the Lieutenant Governor in Council;
- (d) a senior official in the public service of Ontario who is or has been a member of a tribunal to whose proceedings Part I applies, appointed by the Lieutenant Governor in Council;
- (e) a member of the Law Society of Upper Canada, appointed by the Lieutenant Governor in Council;
- (f) a representative of the public who is not a member of the public service of Ontario, appointed by the Lieutenant Governor in Council; and
- (g) a professor of administrative law on the law faculty of a university in Ontario, appointed by the Lieutenant Governor in Council.

(2) A majority of the members of the Committee may ^{Quorum} exercise all the powers of the Committee.

27. It is the duty of the Committee,

Duties

- (a) to maintain under continuous review the practice and procedure in proceedings to which Part I applies;
- (b) to maintain under continuous review the practice and procedure, before,
 - (i) tribunals upon which a statutory power of decision is conferred by or under an Act of the Legislature but which is not required under such Act or otherwise by law to afford to the parties to the proceedings an opportunity for a hearing before making a decision, and
 - (ii) a body coming within clause *e* or *g* of subsection 2 of section 3.

28. No rules of procedure to govern the proceedings of a tribunal to which Part I applies shall be made or approved except after consultation with the Committee.

Rules to be made only after consultation with Committee

29. The Committee may require a tribunal to which Part I applies or coming within clause *b* of section 27 to report to the Committee the rules of procedure governing its proceedings or, where there are no such rules, information as to the procedure followed by it and to formulate and report to the Committee rules to govern its proceedings.

Report of rules to Committee

30. Where power is conferred to make rules of procedure governing the proceedings of a tribunal to which Part I applies, such power shall include power,

Additional powers of tribunals to make rules

(a)

- (a) notwithstanding section 15, to require that findings of fact of the tribunal be based exclusively on evidence admissible under the law of evidence and on matters that may be judicially noticed or of which notice may be taken under section 16 or on evidence admissible under section 15 and on matters of which notice may be taken under section 16;
- (b) to require the oral evidence admitted at a hearing before the tribunal to be recorded;
- (c) to limit investigation or consultation concerning the subject-matter of any proceedings by members of the tribunal prior to the hearing;
- (d) to require that any member of the tribunal participating in a decision of the tribunal shall have been present throughout the hearing.

Secretary to
Committee

31. The Minister of Justice and Attorney General may assign one or more members of the staff of the Department of Justice to be secretary or secretaries of the committee and the committee may prescribe the duties of the secretary or secretaries.

Conflict

32. Unless it is expressly provided in any other Act that its provisions and regulations, rules or by-laws made under it apply notwithstanding anything in this Act, the provisions of this Act and of rules made under section 33 prevail over the provisions of such other Act and over regulations, rules or by-laws made under such other Act which conflict therewith.

Rules
respecting
publication
of decisions

33. Subject to the approval of the Lieutenant Governor in Council, the Committee may make rules respecting the reporting, editing and publication of decisions of the tribunals to which Part I applies.

Annual
report

34. The Committee shall report annually to the Minister of Justice and Attorney General.

PART III

MISCELLANEOUS

Application
of Part I

35. Part I applies only to proceedings commenced after this Act comes into force.

Transition
periods

36.—(1) The Lieutenant Governor in Council may by order exempt the proceedings of any tribunal from the application of Part I or of any provision thereof for any period stated in the order, but no such period shall extend beyond one year after this Act comes into force.

(2) An order made under subsection 1 shall be tabled in ^{Tabling} the Assembly within fifteen days after it is made or if the Assembly is not then sitting within fifteen days after the commencement of the next following Session.

37. This Act comes into force on a day to be named by the ^{Commence-}Lieutenant Governor by his proclamation.^{ment}

38. This Act may be cited as *The Statutory Powers Pro-* ^{Short title}
cedure Act, 1971.

FORM 1

(Section 12 (2))

(Name of Act under which proceedings arise)

SUMMONS TO A WITNESS BEFORE.....(name of tribunal).....

RE:

TO:

You are hereby summoned and required to attend before the

.....(name of tribunal).....

at a hearing to be held

at.....in the.....of.....

on.....day, the.....day of.....

19....., at the hour ofo'clock in the..... noon (local time),
and so from day to day until the hearing is concluded or the tribunal
otherwise orders, to give evidence on oath touching the matters in question
in the proceedings and to bring with you and produce at such time and
place.....

.....
.....

Dated this.....day of....., 19.....

(name of tribunal)

.....
Member of Tribunal

NOTE:

You are entitled to be paid the same personal allowances for your attendance at the hearing as are paid for the attendance of a witness summoned to attend before the Supreme Court.

If you fail to attend and give evidence at the hearing, or to produce the documents or things specified, at the time and place specified, without lawful excuse, you are liable to punishment by the Supreme Court in the same manner as if for contempt of that court for disobedience to a subpoena.

FORM 2

(Section 12 (3))

BENCH WARRANT

PROVINCE OF ONTARIO

TO A.B., Sheriff, etc.

WHEREAS proof has been made before me that C.D. was duly summoned to appear before the (*name of tribunal*)..... at the hearing of the said tribunal at Toronto (*or as the case may be*) on the.....day of....., 19....; that the presence of the said C.D. is material to the ends of justice, and that the said C.D. has failed to attend in accordance with the requirements of the summons.

THESE are therefore to command you to take the said C.D. to bring and have him before the said tribunal at Toronto (*or as the case may be*) there to testify what he may know concerning the matters in question in the proceedings before the said tribunal, and that you detain him in your custody until he has given his evidence or until the said sittings have ended or until other orders may be made concerning him.

GIVEN UNDER MY HAND this.....day of.....,
19...., at.....

.....
Judge, S.C.O.

CHAPTER 48

**An Act to provide a Single Procedure for the
Judicial Review of the Exercise or the
Failure to Exercise a Statutory Power**

*Assented to July 23rd, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "application for judicial review" means an application under subsection 1 of section 2;
- (b) "court" means the Supreme Court;
- (c) "licence" includes any permit, certificate, approval, registration or similar form of permission required by law;
- (d) "municipality" has the same meaning as in *The R.S.O. 1970, c. 118 Department of Municipal Affairs Act*, and includes a district, metropolitan and regional municipality and their local boards;
- (e) "party" includes a municipality, association of employers, a trade union or council of trade unions which may be a party to any of the proceedings mentioned in subsection 1 of section 2;
- (f) "statutory power of decision" means a power or right conferred by or under a statute to make a decision deciding or prescribing,
 - (i) the legal rights, powers, privileges, immunities, duties or liabilities of any person or party, or
 - (ii) the eligibility of any person or party to receive, or to the continuation of, a benefit or licence, whether he is legally entitled thereto or not,

and

and includes the powers of an inferior court;

- (g) “statutory power” means a power or right conferred by or under a statute,
- (i) to make any regulation, rule, by-law or order, or to give any other direction having force as subordinate legislation,
 - (ii) to exercise a statutory power of decision,
 - (iii) to require any person or party to do or to refrain from doing any act or thing that, but for such requirement, such person or party would not be required by law to do or to refrain from doing,
 - (iv) to do any act or thing that would, but for such power or right, be a breach of the legal rights of any person or party.

Applications
for
judicial
review

2.—(1) On an application by way of originating notice, which may be styled “Notice of Application for Judicial Review”, the court may, notwithstanding any right of appeal, by order grant any relief that the applicant would be entitled to in any one or more of the following:

1. Proceedings by way of application for an order in the nature of mandamus, prohibition or certiorari.
2. Proceedings by way of an action for a declaration or for an injunction, or both, in relation to the exercise, refusal to exercise or proposed or purported exercise of a statutory power.

Error of
law

(2) The power of the court to set aside a decision for error of law on the face of the record on an application for an order in the nature of certiorari is extended so as to apply on an application for judicial review in relation to any decision made in the exercise of any statutory power of decision to the extent it is not limited or precluded by the Act conferring such power of decision.

Lack of
evidence

(3) Where the findings of fact of a tribunal made in the exercise of a statutory power of decision are required by any statute or law to be based exclusively on evidence admissible before it and on facts of which it may take notice and there is no such evidence and there are no such facts to support findings of fact made by the tribunal in making a decision in

the

the exercise of such power, the court may set aside the decision on an application for judicial review.

(4) Where the applicant on an application for judicial review is entitled to a judgment declaring that a decision made in the exercise of a statutory power of decision is unauthorized or otherwise invalid, the court may, in the place of such declaration, set aside the decision. Power to set aside

(5) Where, in any of the proceedings enumerated in subsection 1, the court had before the coming into force of this Act a discretion to refuse to grant relief on any grounds, the court has a like discretion on like grounds to refuse to grant any relief on an application for judicial review. Power to refuse relief

(6) Subsection 5 does not apply to the discretion of the court before the coming into force of this Act to refuse to grant relief in any of the proceedings enumerated in subsection 1 on the ground that the relief should have been sought in other proceedings enumerated in subsection 1. Where subs. 5 does not apply

3. On an application for judicial review in relation to a statutory power of decision, where the sole ground for relief established is a defect in form or a technical irregularity, if the court finds that no substantial wrong or miscarriage of justice has occurred, the court may refuse relief and, where the decision has already been made, may make an order validating the decision, notwithstanding such defect, to have effect from such time and on such terms as the court considers proper. Defects in form, technical irregularities

4. On an application for judicial review, the court may make such interim order as it considers proper pending the final determination of the application. Interim order

5. Notwithstanding any limitation of time for the bringing of an application for judicial review fixed by or under any Act, the court may extend the time for making the application, either before or after expiration of the time so limited, on such terms as it considers proper, where it is satisfied that there are *prima facie* grounds for relief and that no substantial prejudice or hardship will result to any person affected by reason of the delay. Extension of time for bringing application

6.—(1) Subject to subsection 2, an application for judicial review shall be made to the Divisional Court. Application to Divisional Court

(2) An application for judicial review may be made to the High Court with leave of a judge thereof, which may be granted at the hearing of the application, where it is made Application to judge of High Court

to appear to the judge that the case is one of urgency and that the delay required for an application to the Divisional Court is likely to involve a failure of justice.

Transfer to
Divisional
Court

(3) Where a judge refuses leave for an application under subsection 2, he may order that the application be transferred to the Divisional Court.

Appeal
from judge

(4) An appeal lies to the Divisional Court from a final order of the High Court disposing of an application for judicial review pursuant to leave granted under subsection 2.

Summary
disposition
of
mandamus,
etc.

7. An application for an order in the nature of mandamus, prohibition or certiorari shall be deemed to be an application for judicial review and shall be made, treated and disposed of as if it were an application for judicial review.

Summary
disposition
of actions

8. Where an action for a declaration or injunction, or both, whether with or without a claim for other relief, is brought and the exercise, refusal to exercise or proposed or purported exercise of a statutory power is an issue in the action, a judge of the High Court may on the application of any party to the action, if he considers it appropriate, direct that the action be treated and disposed of summarily, in so far as it relates to the exercise, refusal to exercise or proposed or purported exercise of such power, as if it were an application for judicial review and may order that the hearing on such issue be transferred to the Divisional Court or may grant leave for it to be disposed of in accordance with subsection 2 of section 6.

Sufficiency
of
application

9.—(1) It is sufficient in an application for judicial review if an applicant sets out in the notice the grounds upon which he is seeking relief and the nature of the relief that he seeks without specifying the proceedings enumerated in subsection 1 of section 2 in which the claim would have been made before the coming into force of this Act.

Exerciser
of power
may be
a party

(2) For the purposes of an application for judicial review in relation to the exercise, refusal to exercise or proposed or purported exercise of a statutory power, the person who is authorized to exercise the power may be a party to the application.

Idem

(3) For the purposes of subsection 2, any two or more persons who, acting together, may exercise a statutory power, whether styled a board or commission or by any other collective title, shall be deemed to be a person under such collective title.

(4)

(4) Notice of an application for judicial review shall be served upon the Minister of Justice and Attorney General who is entitled as of right to be heard in person or by counsel on the application. Notice to Attorney General

10. When notice of an application for judicial review of a decision made in the exercise or purported exercise of a statutory power of decision has been served on the person making the decision, such person shall forthwith file in the court for use on the application, the record of the proceedings in which the decision was made. Record to be filed in S.C.O.

11. Where not inconsistent with this Act, the rules of practice and procedure of the court apply to applications for judicial review and to appeals from final orders therein, and the Rules Committee established under *The Judicature Act* may amend such rules or make additional rules applicable thereto. Rules of practice R.S.O. 1970, c. 228

12.—(1) Subject to subsection 2, where reference is made in any other Act or in any regulation, rule or by-law to any of the proceedings enumerated in subsection 1 of section 2, such reference shall, after the coming into force of this Act, be read and construed to include a reference to an application for judicial review. References in other Acts, etc.

(2) Nothing in this Act affects proceedings under *The Habeas Corpus Act* or the issue of a writ of certiorari thereunder or proceedings pursuant thereto, but an application for judicial review may be brought in aid of an application for a writ of *habeas corpus*. Proceedings under R.S.O. 1970, c. 197

13. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

14. This Act may be cited as *The Judicial Review Procedure Act, 1971*. Short title

CHAPTER 49

The Public Inquiries Act, 1971*Assented to July 23rd, 1971**Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) "commission" means the one or more persons appointed to conduct an inquiry under this Act;
- (b) "inquiry" means an inquiry under this Act. *New.*

PART I

2. Whenever the Lieutenant Governor in Council deems it expedient to cause inquiry to be made concerning any matter connected with or affecting the good government of Ontario or the conduct of any part of the public business thereof or of the administration of justice therein or that he declares to be a matter of public concern and the inquiry is not regulated by any special law, he may, by commission, appoint one or more persons to conduct the inquiry. R.S.O. 1970, c. 379, s. 1, *part, amended.*

Appoint-
ment of
commission

3. Subject to sections 4 and 5, the conduct of and the procedure to be followed on an inquiry is under the control and direction of the commission conducting the inquiry. *New.*

Procedure

4. All hearings on an inquiry are open to the public except where the commission conducting the inquiry is of the opinion that,

Hearings
to be open,
exceptions

- (a) matters involving public security may be disclosed at the hearing; or
- (b) intimate financial or personal matters or other matters may be disclosed at the hearing that are of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof

in

in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public,

in which case the commission may hold the hearing concerning any such matters *in camera*. *New*.

Rights of
persons
interested

5.—(1) A commission shall accord to any person who satisfies it that he has a substantial and direct interest in the subject matter of its inquiry an opportunity during the inquiry to give evidence and to call and examine or to cross-examine witnesses personally or by his counsel on evidence relevant to his interest.

Rights of
persons
before
misconduct
found

(2) No finding of misconduct on the part of any person shall be made against him in any report of a commission after an inquiry unless that person had reasonable notice of the substance of the misconduct alleged against him and was allowed full opportunity during the inquiry to be heard in person or by counsel. *New*.

Stated
case

6.—(1) Where the authority to appoint a commission under this Act or the authority of a commission to do any act or thing proposed to be done or done by the commission in the course of its inquiry is called into question by a person affected, the commission may of its own motion or upon the request of such person state a case in writing to the Divisional Court setting forth the material facts and the grounds upon which the authority to appoint the commission or the authority of the commission to do the act or thing are questioned.

Order
directing
stated
case

(2) If the commission refuses to state a case under subsection 1, the person requesting it may apply to the Divisional Court for an order directing the commission to state such a case.

Court to
hear and
determine
stated
case

(3) Where a case is stated under this section, the Divisional Court shall hear and determine in a summary manner the question raised.

Proceedings
stayed

(4) Pending the decision of the Divisional Court on a case stated under this section, no further proceedings shall be taken by the commission with respect to the subject matter of the stated case but it may continue its inquiry into matters not in issue in the stated case. R.S.O. 1970, c. 379, s. 5, *amended*.

PART II

Power to
summon
witnesses,
papers, etc.

7.—(1) A commission may require any person by summons,

- (a) to give evidence on oath or affirmation at an inquiry;
or
- (b) to produce in evidence at an inquiry such documents
and things as the commission may specify,

relevant

relevant to the subject matter of the inquiry and not inadmissible in evidence at the inquiry under section 11. R.S.O. 1970, c. 379, s. 1, *part, amended*.

(2) A summons issued under subsection 1 shall be in Form 1 Form and service of summons and shall be served personally on the person summoned and he shall be paid at the time of service the like fees and allowances for his attendance as a witness before the commission as are paid for the attendance of a witness summoned to attend before the Supreme Court. *New*.

8. Where any person without lawful excuse,

Stated case for contempt for failure to attend hearing, etc.

- (a) on being duly summoned under section 7 as a witness at an inquiry, makes default in attending at the inquiry; or
- (b) being in attendance as a witness at an inquiry, refuses to take an oath or to make an affirmation legally required by the commission to be taken or made, or to produce any document or thing in his power or control legally required by the commission to be produced to it, or to answer any question to which the commission may legally require an answer; or
- (c) does any other thing that would, if the commission had been a court of law having power to commit for contempt, have been contempt of that court,

the commission may state a case to the Divisional Court setting out the facts and that court may, on the application of the commission or of the Minister of Justice and Attorney General, inquire into the matter and, after hearing any witnesses who may be produced against or on behalf of that person and after hearing any statement that may be offered in defense, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court. *New*.

9.—(1) A witness at an inquiry shall be deemed to have objected to answer any question asked him upon the ground that his answer may tend to criminate him or may tend to establish his liability to civil proceedings at the instance of the Crown or of any person, and no answer given by a witness at an inquiry shall be used or be receivable in evidence against him in any trial or other proceedings against him thereafter taking place, other than a prosecution for perjury in giving such evidence. *New*.

Protection of witnesses

(2) A witness shall be informed by the commission of his right to object to answer any question under section 5 of the *Canada Evidence Act*.

Right to object under R.S.C. 1952, c. 307

Unsworn
evidence
admissible

10. A commission may admit at an inquiry evidence not given under oath or affirmation. *New.*

Privilege

11. Nothing is admissible in evidence at an inquiry that would be inadmissible in a court by reason of any privilege under the law of evidence. *New.*

Release of
documents

12.—(1) Documents and things produced in evidence at an inquiry shall, upon request of the person who produced them or the person entitled thereto, be released to him by the commission within a reasonable time.

Photocopies
of
documents

(2) Where a document has been produced in evidence before a commission, the commission may or the person producing it may with the leave of the commission, cause the document to be photocopied and the photocopy may be filed in evidence in the place of the document produced, and a document purporting to be a copy of a document produced in evidence, certified to be a true copy thereof by the commission, is admissible in evidence in proceedings in which the document produced is admissible, as evidence of the document produced. *New.*

Power to
administer
oaths and
require
evidence
under oath

13. A commission has power to administer oaths and affirmations for the purpose of an inquiry and may require evidence before it to be given under oath or affirmation. *New.*

Powers of
each of two
or more
commis-
sioners

14. Where two or more persons are appointed to make an inquiry, any one of them may exercise the powers conferred by section 7, 12 or 13. *New.*

PART III

Application
of Part III

15.—(1) This Part does not apply to an inquiry unless the Lieutenant Governor in Council declares that this Part does apply thereto.

Idem

(2) The Lieutenant Governor in Council may, if he is satisfied that it is necessary to achieve the purposes of an inquiry, in the order in council authorizing the issue of the commission for the inquiry, or by a subsequent order in council, declare that this Part applies to the inquiry and to the commission conducting it. *New.*

Warrant
for
apprehension
of witness

16.—(1) Upon proof to the satisfaction of a judge of a county or district court of the service of a summons to appear at an inquiry upon a person and that,

(a) such person has failed to attend or to remain in attendance at the inquiry in accordance with the requirements of the summons;

(b)

- (b) a sufficient sum for his fees and allowances has been duly paid or tendered to him; and
- (c) his presence is material to achievement of the purposes of the inquiry,

the judge may, by his warrant in Form 2 directed to any sheriff, police officer or constable, cause such person to be apprehended anywhere within Ontario and forthwith to be brought before the commission conducting the inquiry and to be detained in custody as the judge may order until his presence as a witness before the inquiry is no longer required, or, in the discretion of the judge, to be released on a recognizance, with or without sureties, conditioned for appearance to give evidence.

(2) An application under subsection 1 may be made by the commission conducting the inquiry and the service of the summons and payment or tender of fees and allowances may be proved by affidavit. *New.*

17.—(1) A commission may in writing appoint a person to make an investigation relevant to the subject matter of the inquiry it is conducting.

(2) Where a judge of the county or district court is satisfied upon an *ex parte* application by a person appointed by a commission to make an investigation under this section,

- (a) that the commission conducting the inquiry has appointed the applicant to make an investigation under this section; and
- (b) that there are reasonable grounds for believing that there are in any building, receptacle or place, including a dwelling house, in the county or district for which the judge is appointed any documents or things relevant to the subject matter of the inquiry,

the judge may issue a warrant in Form 3 authorizing the person making the investigation, together with such police officers and constables as he calls upon to assist him, to enter and search if necessary by force, such building, receptacle or place, for such documents or things.

(3) A person making an investigation under this section may, upon giving a receipt therefor, remove any document or thing found in his investigation relevant to the subject matter of the inquiry and deliver it to the commission which shall keep custody of it.

Release of documents, etc.

(4) Documents and things delivered to a commission by a person appointed to make an investigation under this section shall upon request of the person from whose custody they were removed or the person entitled thereto be released to him by the commission within a reasonable time.

Photocopies

(5) Where a document has been delivered to a commission by a person making an investigation under this section, the commission may cause the document to be photocopied and the photocopy may be filed in evidence in place of the document delivered to the commission and a copy of such document certified by the commission to be a true copy thereof, is admissible in evidence in proceedings in which the document so delivered is admissible, as evidence of the document so delivered. *New.*

Powers re inquiries under other Acts hereafter powers of commission under Part II

18. Where, for the purpose of an investigation, inquiry or matter under any Act or regulation, any person or body is given the powers of or that may be conferred on a commissioner under *The Public Inquiries Act* or the powers of a court in civil cases, on and after the day this Act comes into force such person or body may exercise the powers of a commission under Part II of this Act, which Part applies to such investigation, inquiry or matter as if it were an inquiry under this Act.

R.S.O. 1970, c. 379, repealed

19. *The Public Inquiries Act* is repealed.

Commencement

20. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

21. This Act may be cited as *The Public Inquiries Act, 1971*.

FORM 1

(Section 7)

SUMMONS TO WITNESS

RE:

To:

You are hereby summoned and required to attend before the
..... (name of commission)
at an inquiry conducted by the said commission to be held at
in the of on
..... day, the day of 19....
at the hour of o'clock in the noon (local time) and so
from day to day until the inquiry is concluded or the commission otherwise
orders, to give evidence on oath touching the matters in question in the
inquiry and to bring with you and produce at such time and place.
.....
.....

Dated this day of 19....
..... (Name of Commission)

.....
Commissioner

NOTE:

You are entitled to be paid the same personal allowances for your attendance at the hearing as are paid for the attendance of a witness summoned to attend before the Supreme Court.

If you fail to attend and give evidence at the inquiry, or to produce the documents or things specified, at the time and place specified, without lawful excuse, you are liable to punishment by the Supreme Court of Ontario in the same manner as if for contempt of that Court for disobedience to a subpoena.

FORM 2

(Section 16)

BENCH WARRANT

RE:

To: A.B., Sheriff, etc.

WHEREAS proof has been made before me that C.D. was duly summoned to appear before (name of commission)
at the inquiry being conducted by the said commission at Toronto (or as the case may be) on the day of 19....; that the presence of the said C.D. is material to achievement of the purposes of the inquiry, and that the said C.D. has failed to attend in accordance with the requirements of the summons.

THESE ARE therefore to command you to take the said C.D. to bring and have him before the said commission at Toronto (or as the case may be) there to testify what he may know concerning the matters in question in the said inquiry, and that you detain him in your custody until he has given his evidence or until the sittings of the said inquiry have ended or until other orders may be made concerning him.

GIVEN UNDER MY HAND this day of 19....,
at

.....
Judge.

FORM

FORM 3

(Section 17)

SEARCH WARRANT

RE:

To: *A.B. (investigator)* and to such police officers and constables as he calls upon to assist him:

WHEREAS it appears on the oath of.....of the.....of
.....in the.....of.....
that there are reasonable grounds for believing that (*describe things to be searched for and the inquiry in respect of which search is to be made*) are in
.....at.....(*hereinafter called the premises*);

This is, therefore, to authorize and require you between the hours of
(*as the judge may direct*) to enter into the said premises and to search for the
said things and to bring them before *E.F.*, the commission conducting
the said inquiry.

GIVEN UNDER MY HAND this.....day of....., 19...., at
.....

.....
Judge.

CHAPTER 50

**The Civil Rights Statute Law
Amendment Act, 1971**

*Assented to July 23rd, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 4, 5 and 6 of *The Abandoned Orchards Act* R.S.O. 1970,
c. 1, ss. 4-6,
re-enacted are repealed and the following substituted therefor:

4.—(1) Where an inspector reports in writing to the Report of
inspector Director that in his opinion the majority of the fruit trees in an orchard,

- (a) are infected with any fruit tree disease;
- (b) are affected by such other conditions as are designated in the regulations;
- (c) have not been properly pruned, sprayed or treated with chemicals; or
- (d) have not otherwise been properly maintained,

so as to seriously affect at that time the ability of the fruit trees to produce fruit commercially, the Director shall cause a copy of such report to be served on the owner of the orchard and on the Provincial Entomologist together with a notice that unless the owner or a person having an interest in the orchard mails or delivers to the Provincial Entomologist within fifteen days after service of the notice, a notice requesting a hearing, the Provincial Entomologist may issue a certificate designating the orchard as a neglected orchard.

- (2) The copy of the report and notice mentioned in Service subsection 1 shall be served upon the owner by personal service or by mailing them addressed to him at his address shown on the last revised assessment roll, and shall be posted in a conspicuous place in the orchard.

Issue of
certificate

5.—(1) If, within fifteen days after service of the copy and notice mentioned in subsection 1 of section 4,

(a) the owner or a person having an interest in the orchard does not mail or deliver a request for a hearing to the Provincial Entomologist, the Provincial Entomologist may issue a certificate designating the orchard as a neglected orchard; or

(b) the owner or a person having an interest in the orchard mails or delivers to the Provincial Entomologist, a notice requesting a hearing, the Provincial Entomologist shall hold a hearing and if, after the hearing, he concurs in the report he may issue a certificate designating the orchard as a neglected orchard.

Parties to
hearing

(2) The person requesting the hearing, the inspector making the report and such other persons as the Provincial Entomologist may specify, are parties to a hearing required under subsection 1.

Inspection by
Provincial
Entomologist

(3) Where the Provincial Entomologist holds a hearing under this section, he may inspect the orchard to which it relates, affording to the person requesting the hearing or his representative an opportunity of being present at the time of such inspection, and may take into consideration the result of the inspection in reaching his decision.

Service of
certificate

(4) A certificate designating an orchard as a neglected orchard shall be served upon the owner and, where a hearing was held, upon the person requesting the hearing if he is not the owner, by mailing or delivering a copy thereof to his address last known to the Provincial Entomologist, and a copy of the certificate shall be posted in a conspicuous place in the orchard.

Revocation
of certificate

6. The Provincial Entomologist may at any time revoke a certificate issued under section 5.

Where
service
deemed
made

6a. Where service of a report, notice or certificate under section 4 or 5 is made by mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the report, notice or certificate until a later date.

2. Section 7 of *The Age Discrimination Act* is repealed and the following substituted therefor: R.S.O. 1970,
c. 7, s. 7,
re-enacted

- 7.—(1) Any person who has reasonable grounds for believing that any person has contravened a provision of this Act may file with the Commission a complaint in the form prescribed by the Commission. Complaints
- (2) Where a complaint is made by a person other than the person whom it is alleged was dealt with contrary to the provisions of this Act, the Commission may refuse to file the complaint unless the person alleged to be offended against consents thereto. Consent of
offended
person
- 7a.—(1) Where a complaint has been filed with the Commission, the Commission or a person designated by it shall inquire into the complaint and endeavour to effect a settlement of the matter complained of. Inquiry and
settlement
- (2) For the purposes of an inquiry under subsection 1, the Commission, or any person so designated, on production of evidence of his designation, shall have access to and may view the premises involved in the complaint, other than an occupied place of residence, at all reasonable times and at any time when the premises are open for business or when employees are engaged in their work. Access to
premises
- (3) Where a justice of the peace is satisfied by information upon oath that there is reasonable ground for believing that access to an occupied place of residence is required for the purposes of an inquiry under this Act, he may, at any time, issue a warrant pursuant to section 16 of *The Summary Convictions Act* authorizing the Commission or other person named therein to enter and view such place of residence, and every such warrant shall be executed between sunrise and sunset unless the justice otherwise directs. Warrant

R.S.O. 1970,
c. 450
- (4) The Commission, or a person designated by it, has the same powers for the purposes of an inquiry under this section to inspect and examine books, payrolls, records and other documents and to take extracts or copies thereof, and to enter premises and to question employees as are possessed by the Director of Employment Standards under section 40 of *The Employment Standards Act*. Inspection of
records, etc.

R.S.O. 1970,
c. 147
- 7b.—(1) Where it appears to the Commission that a complaint will not be settled, the Commission shall Board of
inquiry

make

make a recommendation to the Minister as to whether or not a board of inquiry should be appointed, and the Minister may, in his discretion, appoint a board of inquiry consisting of one or more persons to hear and decide the complaint.

Parties to
be notified of
membership
of board

- (2) Forthwith after the appointment of a board of inquiry, the Minister shall communicate the names of the members of the board to,

(a) the Commission; and

(b) the parties referred to in clauses *b*, *c* and *d* of subsection 1 of section 7c,

and thereupon it shall be presumed conclusively that the board was appointed in accordance with this Act.

Remunera-
tion of
members of
board

- (3) The Lieutenant Governor in Council may determine the remuneration of the chairman and the members of a board of inquiry appointed under this section.

Parties to
proceedings

- 7c.—(1) The parties to a proceeding before a board of inquiry with respect to any complaint are,

(a) the Commission, which shall have the carriage of the complaint;

(b) the person named in the complaint as the complainant;

(c) any person named in the complaint and alleged to have been dealt with contrary to the provisions of this Act;

(d) any person named in the complaint as alleged to have contravened this Act; and

(e) any other person specified by the board upon such notice as the board may determine and after such person has been given an opportunity to be heard against his joinder as a party.

Copy of
complaint
annexed
to notice

- (2) A true copy of the complaint shall be annexed to the notice of the hearing that is given to any party except the Commission.

- (3) A member of the board hearing a complaint shall not have taken part in any investigation or consideration of the complaint prior to the hearing and shall not communicate directly or indirectly in relation to the complaint with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law. Members at hearing not to have taken part in investigation, etc.
- (4) The oral evidence taken before a board at a hearing shall be recorded, and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence
- (5) The findings of fact of the board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact
1971, c. 47
- (6) Subject to appeal under section 7e, the board of inquiry has exclusive jurisdiction and authority to determine any question of fact or law, or both, required to be decided by the board in reaching its decision as to whether or not any person has contravened this Act or for the making of any order pursuant to such decision. Jurisdiction of board
- 7d. The board, after hearing a complaint, Powers of board
- (a) shall decide whether or not any party has contravened this Act; and
 - (b) may order any party who has contravened this Act to do any act or thing that, in the opinion of the board, constitutes full compliance with such provision and to rectify any injury caused to any person by such contravention or to make compensation therefor.
- 7e.—(1) Any party to a hearing before a board may appeal from the decision or order of the board to the Supreme Court in accordance with the rules of court. Appeal from decision of board
- (2) Where notice of an appeal is served under this section, the board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision or order appealed from was made, which, Record to be filed in court
- together

together with a transcript of the oral evidence before the board, if it is not part of the record of the board, shall constitute the record in the appeal.

Representations by Minister

- (3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Powers of court

- (4) An appeal under this section may be made on questions of law or fact or both and the court may affirm or reverse the decision or order of the board or direct the board to make any decision or order that the board is authorized to make under this Act, and the court may substitute its opinion for that of the board.

R.S.O. 1970,
c. 8, s. 1,
amended

3.—(1) Section 1 of *The Agricultural Associations Act* is amended by adding thereto the following clause:

- (c) “Superintendent” means an officer of the Department of Agriculture and Food designated by the Minister as the Superintendent of Agricultural Associations.

R.S.O. 1970,
c. 8, s. 18,
re-enacted

(2) Section 18 of *The Agricultural Associations Act* is repealed and the following substituted therefor:

Forfeiture of powers in non-user

- 18.—(1) Where the Superintendent is satisfied, after a hearing, that an Association has ceased for twelve months to do business as required by this Act and by its constitution and by-laws, or that the business of the Association is not being properly conducted, he may recommend to the Minister that the corporate powers of the Association be forfeited and the Minister may, after considering the record of the proceedings before the Superintendent and affording to any party to the proceedings an opportunity for argument, by order declare that the corporate powers of the Association are forfeited, and such powers shall thereupon cease and the Minister may give such directions as he considers proper to wind up the affairs of the Association.

Parties

- (2) The Association, the complainant if any, and such other persons as the Superintendent may specify are parties to proceedings before the Superintendent under subsection 1.

Stated case

- (3) The Superintendent or the Minister, as the case may be, may, of his own motion or upon the request of any party to proceedings under this section, state

a case in writing to the Supreme Court setting forth any question of law that arises in the proceedings and the facts material thereto.

- (4) If the Superintendent or the Minister, as the case ^{Refusal to state case} may be, refuses to state a case under this section, the party requesting it may apply to the Supreme Court for an order directing him to state such a case.
- (5) Where a case is stated under this section, the ^{Decision of court} Supreme Court shall hear and determine in a summary manner the question raised and shall certify its decision to the Superintendent or to the Minister, as the case may be, and the Superintendent or the Minister shall dispose of the proceedings under subsection 1 in accordance therewith.

4.—(1) Section 2 of *The Agricultural Societies Act* is ^{R.S.O. 1970, c. 15, s. 2, re-enacted} repealed and the following substituted therefor:

- 2.—(1) Where any dispute arises as to the operation or ^{Disputes} construction of this Act, the Superintendent shall, after a hearing, decide such dispute.
- (2) A party to a dispute under this section may appeal ^{Appeal} from a decision of the Superintendent to the Minister within fifteen days after receipt of a copy of the decision of the Superintendent and the Minister may, after considering the record of the proceedings before the Superintendent and affording to the party an opportunity to submit argument on the appeal, affirm, vary or annul the decision of the Superintendent.
- (3) The Superintendent or the Minister, as the case may ^{Stated case} be, may, of his own motion or upon the request of any party to a dispute or an appeal, state a case in writing to the Supreme Court setting forth any question of law that arises at the hearing or on the appeal and the facts material thereto.
- (4) If the Superintendent or the Minister, as the case ^{Idem} may be, refuses to state a case under this section, the party requesting it may apply to the Supreme Court for an order directing him to state such a case.
- (5) Where a case is stated under this section, the ^{Idem} Supreme Court shall hear and determine the question raised in a summary manner and shall certify its

decision

decision to the Superintendent or the Minister, as the case may be, and the Superintendent or the Minister shall dispose of the dispute in accordance therewith.

R.S.O. 1970,
c. 15, ss. 31, 32,
re-enacted

(2) Sections 31 and 32 of *The Agricultural Societies Act* are repealed and the following substituted therefor:

Inspection

31.—(1) The Minister may appoint a person to inspect the books and accounts of any society receiving legislative grants under this Act or to inquire into the affairs of such society, and every officer of the society shall, when required by such person, make available the books and accounts thereof for the purposes of such inspection or inquiry.

Powers
under
1971, c. 49
Pt. II

(2) A person appointed under subsection 1 has, for the purposes of an inspection or inquiry thereunder, the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to the inspection or inquiry as if it were an inquiry under that Act.

Fraud or
misrepresentation by
exhibitor

32.—(1) Where the board of a society has reason to believe that any member or other person exhibiting any farm product, animal, fowl or other goods at an exhibition of the society has committed a fraud or made any misrepresentation in respect of such farm product, animal, fowl or other goods, the board may withhold payment or delivery of any premium or prize to such person, and the board shall forthwith furnish to him a written statement of its reasons for so doing.

Appeal

(2) A member or other person from whom a premium or prize has been withheld by the board of a society under subsection 1 may appeal, within fifteen days after receipt of the statement of the reasons of the board furnished under subsection 1, to a judge of the county or district court of the county or district in which the head office of the society is situate by filing a notice of appeal in the office of the clerk of the court and leaving a copy of the notice of appeal at the head office of the board.

Parties

(3) The appellant and the board from whose decision the appeal is taken are parties to an appeal under this section.

Hearing
de novo

(4) An appeal to a judge under this section shall be held by way of a hearing *de novo*.

(5)

- (5) On an appeal under this section, the judge may ^{Powers of judge} affirm, vary or annul the decision of the board and may order the board to pay or deliver any premium or prize withheld by it under this section.

5.—(1) Section 8 of *The Ambulance Act* is amended by ^{R.S.O. 1970, c. 20, s. 8, amended} striking out “The Director may refuse to issue a licence” in the first line and inserting in lieu thereof “Subject to section 10, the Director may refuse to issue a licence”.

(2) Clauses *b*, *c* and *d* of the said section 8 are repealed ^{R.S.O. 1970, c. 20, s. 8, cls. b-d, re-enacted} and the following substituted therefor:

- (b) where there is no public need for the ambulance service to be operated pursuant to the licence in the area where the applicant proposes to operate;
- (c) where the applicant is not competent to operate or financially capable of operating the ambulance service reliably; or
- (d) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the ambulance service will not be operated in accordance with law and with honesty and integrity.

(3) Section 9 of *The Ambulance Act* is amended by adding at the commencement thereof “Subject to section 10”. ^{R.S.O. 1970, c. 20, s. 9, amended}

(4) *The Ambulance Act* is amended by adding thereto the following section: ^{R.S.O. 1970, c. 20, amended}

9a.—(1) Where the Director issues a licence under this Act and the licensee is dissatisfied with the terms ^{Hearing re terms of licence} and conditions thereof prescribed by the Director, the licensee may by written notice given to the Director and the Commission require a hearing by the Commission and the Commission shall appoint a time for and hold a hearing.

- (2) Pursuant to a hearing under subsection 1, the Commission may affirm the terms and conditions prescribed for the licence by the Director or may cancel such terms and conditions or may prescribe such other terms and conditions for the licence in the place of those prescribed by the Director as it considers proper and such terms and conditions shall be terms and conditions of the licence.

R.S.O. 1970,
c. 20, ss. 10, 11,
re-enacted;
ss. 12-15,
repealed

Proposal
to suspend,
etc.

Notice

Powers of
Director
where no
hearing

Powers of
Commission
where
hearing

Terms and
conditions

Extension of
time for
appeal

(5) Sections 10, 11, 12, 13, 14 and 15 of *The Ambulance Act* are repealed and the following substituted therefor:

10.—(1) Where the Director proposes to refuse to issue or renew a licence or proposes to revoke or suspend a licence, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or licensee.

(2) A notice under subsection 1 shall inform the applicant or licensee that he is entitled to a hearing by the Commission if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Director and the Commission, and he may so require such a hearing.

(3) Where an applicant or licensee does not require a hearing by the Commission in accordance with subsection 2, the Director may carry out the proposal stated in his notice under subsection 1.

(4) Where an applicant or licensee requires a hearing by the Commission in accordance with subsection 2, the Commission shall appoint a time for and hold the hearing and, on the application of the Director at the hearing, may by order direct the Director to carry out his proposal or refrain from carrying out his proposal and to take such action as the Commission considers the Director ought to take in accordance with this Act and the regulations, and for such purpose the Commission may substitute its opinion for that of the Director.

(5) The Commission may attach such terms and conditions to its order or to the licence as it considers proper to give effect to the purposes of this Act.

(6) The Commission may extend the time for the giving of notice requiring a hearing by an applicant or licensee under this section either before or after expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension, and the Commission may give such directions as it considers proper consequent upon the extension.

- (7) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue,

Continuation
of licence
pending
renewal

(a) until the renewal is granted; or

- (b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Commission has expired and, where a hearing is required, until the Commission has made its decision.

- 11.—(1) The Director, the applicant or licensee who has required the hearing and such other persons as are specified by the Commission are parties to proceedings before the Commission under this Act.

Parties

- (2) Notice of a hearing under section 10 shall afford the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

Notice of
hearing

- (3) An applicant or licensee who is a party to proceedings under section 10 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Examination
of docu-
mentary
evidence

- (4) Members of the Commission holding a hearing shall not have taken part in any investigation or consideration of the subject-matter of the hearing before the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Commission may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Members
holding
hearing
not to have
taken
part in
investigation,
etc.

- (5) The oral evidence taken before the Commission at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Recording
of evidence

Findings
of fact

1971, c. 47

- (6) The findings of fact of the Commission pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

Only
members at
hearing to
participate
in decision

- (7) No member of the Commission shall participate in a decision of the Commission pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Commission shall be given unless all members so present participate in the decision.

R.S.O. 1970,
c. 20, s. 16,
subs. 1,
amended

- (6) Subsection 1 of section 16 of *The Ambulance Act* is amended by striking out "under subsection 4 of section 15" in the third line.

R.S.O. 1970,
c. 20, s. 16,
subs. 3,
re-enacted

- (7) Subsection 3 of the said section 16 is repealed and the following substituted therefor:

Appeal to
Court

- (3) Any person requesting a review under subsection 1 may appeal the Minister's decision on any point of law to the Supreme Court in accordance with the rules of court.

R.S.O. 1970,
c. 20, s. 17,
re-enacted

- (8) Section 17 of *The Ambulance Act* is repealed and the following substituted therefor:

Service
of notices

17. Except where otherwise provided, any notice required by this Act to be served shall be served personally or by registered mail addressed to the person to whom notice is to be given at his last known address and, where notice is served by registered mail, the service shall be deemed to have been made on the third day after the day of mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date.

R.S.O. 1970,
c. 20, s. 18,
subs. 2,
amended

- (9) Subsection 2 of section 18 of *The Ambulance Act* is amended by inserting after "inspector" in the first line "upon the production of his appointment under subsection 1" and by inserting after "the" in the first line "business".

R.S.O. 1970,
c. 20, s. 18,
amended

- (10) The said section 18 is amended by adding thereto the following subsection:

Confidential
matters

- (3) Each person employed in the administration of this Act, including any person making an inquiry,

inspection

inspection or an investigation under this section shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except,

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations; or
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

6.—(1) Section 1 of *The Animals for Research Act* is amended by adding thereto the following clauses: R.S.O. 1970,
c. 22, s. 1,
amended

(ca) “licence” means a licence under this Act;

.

(fa) “registration” means a registration under this Act.

(2) Subsections 2, 3 and 4 of section 4 of *The Animals for Research Act* are repealed and the following substituted therefor: R.S.O. 1970,
c. 22, s. 4,
subss. 2-4,
re-enacted

- (2) Where the Director is of the opinion that an applicant does not comply with clauses *a* and *b* of subsection 3 of section 3, he may, after a hearing, refuse to issue the licence. Refusal to
issue
- (3) Subject to subsection 4, the Director shall renew a licence on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee. Renewal
- (4) Where the Director is of the opinion, in the case of a licensee, that clause *a* or *b* of subsection 4 of section 3 applies, he may, after a hearing, refuse to renew or may suspend or revoke the licence. Refusal to
renew,
suspension,
etc.

(3) Subsections 2, 3 and 4 of section 6 of *The Animals for Research Act* are repealed and the following substituted therefor: R.S.O. 1970,
c. 22, s. 6,
subss. 2-4,
re-enacted

Refusal
to register

- (2) Where the Director is of the opinion that a research facility in respect of which an application for registration is made does not contain the facilities, equipment or materials referred to in subsection 2 of section 5, he may, after a hearing, refuse to register the research facility.

Renewal

- (3) Subject to subsection 4, the Director shall renew a registration on application therefor by the registrant in accordance with this Act and the regulations and payment of the prescribed fee.

Refusal
to renew,
suspension,
etc.

- (4) Where the Director is of the opinion that clause *a* or *b* of subsection 3 of section 5 applies, he may, after a hearing, refuse to renew or may suspend or revoke the registration of the research facility.

R.S.O. 1970,
c. 22, ss. 7-12,
re-enacted;
ss. 13, 14, 16,
repealed

- (4) Sections 7, 8, 9, 10, 11, 12, 13, 14 and 16 of *The Animals for Research Act* are repealed and the following substituted therefor:

Provisional
suspension,
etc.

- 7.—(1) Notwithstanding section 4 and section 6, the Director, by notice to an operator and without a hearing, may provisionally refuse to renew or suspend the operator's licence or registration where in the Director's opinion it is necessary to do so for the immediate protection of the safety or health of, or the prevention of cruelty or maltreatment to, or of neglect of any animal and the Director so states in such notice giving his reasons therefor, and thereafter the Director shall hold a hearing to determine whether renewal of the licence or registration should be refused or whether the licence or registration should be further suspended or revoked under this Act and the regulations.

Continuation
of licence or
registration
pending
renewal

- (2) Subject to subsection 1, where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence or registration, an operator has applied for a renewal thereof and paid the prescribed fee and has observed or carried out the provisions of this Act and the regulations, his existing licence or registration shall be deemed to continue until he has received the decision of the Director on his application for renewal.

Notice of
hearing

- 8.—(1) The notice of a hearing by the Director under section 4 or section 6 shall afford to the applicant or operator a reasonable opportunity to show or to

achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence or registration.

- (2) An applicant or operator who is a party to proceedings in which the Director holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence

9. Where the Director has refused to issue or renew or has suspended or revoked a licence or registration pursuant to a hearing, he may, at any time of his own motion or on the application of the person who was the applicant or operator, vary or rescind his decision, but the Director shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act or the regulations. Variation of decision by Director

- 10.—(1) Where the Director refuses to issue or renew or suspends or revokes a licence or registration, the applicant or operator may, by written notice delivered to the Director and filed with the Review Board within fifteen days after receipt of the decision of the Director, appeal to the Review Board. Appeal to Review Board

- (2) The Review Board may extend the time for the giving of notice by an applicant or operator under subsection 1 either before or after expiration of such time where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension. Extension of time for appeal

- (3) Where an applicant or operator appeals to the Review Board in accordance with subsection 1, the Review Board shall hear the appeal by way of a hearing *de novo* to determine whether the licence or registration should be issued, renewed, suspended or revoked and may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act he is authorized to do under this Act and as the Review Board considers proper and, for such purpose, the Review Board may substitute its opinion for that of the Director. Disposal of appeal

- (4) Notwithstanding that an applicant or operator has appealed under this section from a decision of the Effect of decision pending disposal of appeal
Director

Director, unless the Director otherwise directs, the decision of the Director is effective until the appeal is disposed of.

Parties

11.—(1) The Director, the appellant and such other persons as the Review Board may specify are parties to the proceedings before the Review Board under this Act.

Members making decision not to have taken part in investigation, etc.

(2) Members of the Review Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording of evidence

(3) The oral evidence taken before the Review Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings of fact

(4) The findings of fact of the Review Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. 47

Only members at hearing to participate in decision

(5) No member of the Review Board shall participate in a decision of the Review Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Review Board shall be given unless all members so present participate in the decision.

Appeal to court

12.—(1) Any party to the hearing before the Review Board may appeal from the decision of the Review Board to the Supreme Court in accordance with the rules of court.

Minister entitled to be heard

(2) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

(3) The chairman of the Review Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Review Board which, together with a transcript of the evidence before the Review Board, if it is not part of the Review Board's record, shall constitute the record in the appeal. Record to be filed in court

(4) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Review Board or direct the Director to do any act the Director is authorized to do under this Act and as the court considers proper and the court may substitute its opinion for that of the Review Board. Powers of court on appeal

(5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Review Board, unless the Review Board otherwise directs, the decision of the Review Board is effective until the appeal is disposed of. Effect of decision of Board pending disposal of appeal

7.—(1) Section 1 of *The Apprenticeship and Tradesmen's Qualification Act* is amended by adding thereto the following clauses: R.S.O. 1970, c. 24, s. 1, amended

(aa) "certified trade" means a trade designated as a certified trade under section 10;

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(ca) "licence" means a licence under this Act and the regulations to operate a trade school and "licensee" means the holder of a licence.

(2) Clause *a* of subsection 1 of section 7 of *The Apprenticeship and Tradesmen's Qualification Act* is amended by inserting after "inspect" in the first line "upon production of his authorization under this subsection". R.S.O. 1970, c. 24, s. 7, subs. 1, cl. a, amended

(3) Clause *e* of subsection 1 of the said section 7 is repealed. R.S.O. 1970, c. 24, s. 7, subs. 1, cl. e, repealed

(4) *The Apprenticeship and Tradesmen's Qualification Act* is amended by adding thereto the following sections: R.S.O. 1970, c. 24, amended

7a.—(1) Subject to subsection 2, the Director, or any person authorized by the Minister in writing, may cancel for cause a contract of apprenticeship. Cancellation of contract

Notice of
proposal to
cancel,
right to
hearing

- (2) Where the Director, or any person authorized under subsection 1, proposes to cancel for cause a contract of apprenticeship under subsection 1, he shall serve notice of his proposal, together with written reasons therefor, on each party to the contract informing him that he has a right to a hearing by a judge if he applies therefor within fifteen days after service of such notice, and a party to the contract may within such time apply for a hearing to the judge of the county or district court of the county or district where the apprentice who is a party to the contract resides.

Powers of
Director
where no
hearing

- (3) Where none of the parties to a contract to which a notice under subsection 2 relates applies to a judge for a hearing within fifteen days after service of such notice, the Director or person authorized under subsection 1 may forthwith cancel the contract.

Powers of
judge
where
hearing

- (4) Where a party to a contract to which a notice under subsection 2 relates applies to a judge for a hearing within fifteen days after service of such notice, the judge shall appoint a time for and hold a hearing and, on application at the hearing by the Director or person serving the notice, may by order direct the Director or such person to cancel the contract or to refrain from cancelling the contract, as the case may be, and as the judge considers proper in accordance with this Act and the regulations.

Parties

- (5) The Director or person serving the notice under subsection 1, the parties to the contract to which the notice relates and such other persons as the judge may specify are parties to proceedings before the judge under this section.

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Certificate
of apprentice-
ship

- 16a. Where an apprentice has completed an apprenticeship training program for a certified trade and has passed such final examinations as are prescribed by the Director to determine his competency and has complied with the provisions of this Act and the regulations, the Director shall issue to him a certificate of apprenticeship for the certified trade.

Certificate
of qualifica-
tion to
holder of
certificate of
apprentice-
ship

- 16b.—(1) Where an applicant for a certificate of qualification for a certified trade is the holder of a certificate of apprenticeship in the trade issued under this Act or a predecessor of this Act, the Director shall,

upon

upon payment of the prescribed fee and without examination, issue to him a certificate of qualification for the trade.

- (2) Where an applicant for a certificate of qualification for a certified trade who is not the holder of a certificate of apprenticeship in the trade has complied with the requirements of this Act and the regulations to entitle him to such certificate of qualification, the Director shall, upon payment of the prescribed fee, issue to him a certificate of qualification for the certified trade.

To non-holder of certificate of apprenticeship

- 16c.—(1) Unless otherwise prescribed by regulation, a certificate of qualification expires two years after the date of its issue.

Term of certificate

- (2) Subject to section 16d, a certificate of qualification shall be renewed by the Director upon application and payment of the prescribed fee by the holder.

Renewal

- 16d. Subject to section 16f, the Director may refuse to renew or may suspend or revoke a certificate of qualification where,

Refusal to renew, suspension or revocation

(a) the holder is convicted of an offence under this Act or the regulations; or

(b) there are reasonable grounds for believing that the holder is without capacity or not competent to perform work in the certified trade to which the certificate relates with reasonable skill.

- 16e. Where under the regulations a licence is required for the operation of a trade school teaching any trade to which this Act applies and a licence for a trade school has been issued thereunder, subject to section 16f, the Director may refuse to renew or may suspend or revoke the licence where the school is not being operated,

Suspension, etc., of trade school licence

(a) in accordance with this Act and the regulations; or

(b) so as to provide reasonable and adequate training for the students taught therein.

- 16f.—(1) Where the Director proposes to refuse to renew or to suspend or revoke a certificate of qualification

Proposal to suspend, etc., licence

or a licence under section 16*d* or 16*e*, he shall serve notice of his proposal, together with written reasons therefor, on the holder of the certificate or licensee.

Notice

- (2) A notice under subsection 1 shall inform the holder of the certificate or licensee that he is entitled to a hearing by a judge of the county or district court for the county or district in which he resides if he applies to a judge thereof within fifteen days after the notice under subsection 1 is served on him, and he may so apply for such a hearing.

Powers of
Director
where no
hearing

- (3) Where a holder of a certificate or licensee does not apply to a judge for a hearing in accordance with subsection 2, the Director may carry out the proposal stated in his notice under subsection 1.

Powers of
judge
where
hearing

- (4) Where a holder of a certificate or licensee applies to a judge for a hearing in accordance with subsection 2, the judge shall appoint a time for and hold the hearing and, on the application of the Director at the hearing, may, by order, direct the Director to carry out his proposal or refrain from carrying out his proposal and to take such action as the judge considers the Director ought to take in accordance with this Act and the regulations, and for such purposes the judge may substitute his opinion for that of the Director.

Continuation
of certificate
or licence
pending
renewal

- (5) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his certificate of qualification or licence, a holder of the certificate or the licensee has applied for renewal thereof and paid the prescribed fee, the certificate or licence shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for applying for a hearing by a judge has expired and, where a hearing is applied for, until the judge has made his decision.

Parties

- (6) The Director, the holder of a certificate or licensee who has applied for the hearing and such other persons as the judge may specify are parties to proceedings before a judge under this section.

Service
of notice

- 16*g*.—(1) Service of a notice under section 7*a* or 16*f* may be made personally or by registered mail

addressed

addressed to the person to be served at his last known address, and, where notice is served by registered mail, the notice shall be deemed to have been served on the third day after the day of mailing unless the person on whom notice is being served establishes to the judge to whom he applies for a hearing that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

- (2) A judge to whom application is made for a hearing under section 7a or 16f may extend the time for making the application, either before or after expiration of the time fixed therein, where he is satisfied that there are *prima facie* grounds for granting relief to the applicant pursuant to a hearing and that there are reasonable grounds for applying for the extension and may give such directions as he considers proper consequent upon the extension. Extension of time for appeal
- (3) Notice of a hearing under section 7a or 16f shall afford the parties or the holder of a certificate or licence, as the case may be, a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the continuation of the contract of apprenticeship or retention of the certificate of qualification or licence. Notice of hearing
- (4) A party to a contract of apprenticeship or a holder of a certificate of qualification or licensee who is a party to proceedings under section 7a or 16f shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence
- (5) The oral evidence taken before the judge at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence
- (6) The findings of fact of a judge pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact

1971, c. 47

Appeal to
court

16*h*.—(1) Any party to proceedings before a judge under this Act may appeal from the decision or order of the judge to the Supreme Court in accordance with the rules of court.

Record to
be filed
in court

(2) Where notice of an appeal is served under this section, the judge shall forthwith file in the Supreme Court the record of the proceedings before him in which the decision or order was made which, together with the transcript of the evidence before the judge, if it is not part of the record of the judge, shall constitute the record in the appeal.

Minister
entitled to
be heard

(3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Powers of
court on
appeal

(4) The Supreme Court may affirm the decision of the judge appealed from or may rescind it and make such new decision as the court considers proper under this Act and the regulations, and may order the Director to do any act or thing he is authorized to do under this Act and as the court considers proper, and for such purpose the court may substitute its opinion for that of the Director or of the judge, or the court may refer the matter back to the judge for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

R.S.O. 1970,
c. 24, s. 18, cl. *f*,
re-enacted

(5) Clause *f* of section 18 of *The Apprenticeship and Tradesmen's Qualification Act* is repealed and the following substituted therefor:

(*f*) providing licences for trade schools teaching any trade to which this Act applies and respecting their issue and prescribing courses of study and methods of training in such trade schools and respecting their operation.

R.S.O. 1970,
c. 24, s. 18, cl. *l*,
re-enacted

(6) Clause *l* of the said section 18 is repealed and the following substituted therefor:

(*l*) providing for Interprovincial Standards Examinations and standing thereunder and for the recognition of certificates or standings granted under Inter-

provincial

provincial Standards Examinations in other provinces and the granting of certificates of qualification pursuant thereto;

- (la) providing for the granting of provisional certificates of qualification and the grounds therefor and the conditions thereof;
- (lb) respecting the renewal of certificates of qualification that have expired without being renewed and the conditions of renewal;
- (lc) providing for the issue of certificates of qualification or licences to persons whose certificates or licences have been cancelled and the conditions upon which they may be issued.

(7) Clause *r* of the said section 18 is repealed.

R.S.O. 1970,
c. 24, s. 18, cl. *r*,
repealed

8.—(1) Section 1 of *The Archaeological and Historic Sites Protection Act* is amended by adding thereto the following clause:

R.S.O. 1970,
c. 26, s. 1,
amended

- (da) "land" does not include buildings or structures other than ruins.

(2) Section 2 of *The Archaeological and Historic Sites Protection Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 26, s. 2,
re-enacted

- 2. Subject to sections 2*a* and 2*b*, the Minister may designate any land that he has reasonable grounds for believing to be of value for the purposes of,

Designation
of sites

- (a) the promotion or advancement of archaeological research and knowledge; or
- (b) the protection and preservation of historical associations and knowledge,

to be an archaeological or an historic site.

- 2*a*.—(1) Subject to section 2*b*, where the owner of any land does not consent to its designation as an archaeological site or as an historic site, the Minister shall, before designating it under section 2, refer the matter to the advisory board established under section 9 for a hearing and report.

Reference to
advisory
board

Hearing

- (2) Pursuant to a reference by the Minister under this section, the advisory board shall forthwith hold a hearing as to whether the land in question should be designated under section 2 and the Minister, the owner or any person having an interest in the land and such other persons as the advisory committee may specify are parties to the hearing.

Application
of 1971, c. 47

- (3) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply *mutatis mutandis* with respect to a hearing under this section.

Report

- (4) The advisory board shall, at the conclusion of a hearing under this section, make a report to the Minister setting out its findings of fact and any information or knowledge used by it in reaching its recommendations, and its recommendations as to whether the land should be designated under section 2, and shall send a copy of its report to other parties to the hearing.

Decision
of Minister

- (5) After considering a report made under this section, the Minister may designate the land in question under section 2 and shall give notice of his decision to the owner and any person interested in the land stating the reasons therefor.

Designation
of site on
grounds
of urgency

- 2b.--(1) Where the Minister has reasonable grounds for believing that any land is of value for the purposes specified in section 2 and that it is urgent to protect the land for such purposes, he may forthwith designate such land as an archaeological site or as an historic site and cause notice in writing of such designation stating the reasons therefor to be given to the owner of such land or to any other person, and such designation shall be effective forthwith in relation to any person to whom such notice has been given or who has knowledge of it.

Notice of
designation

- (2) A notice under subsection 1 may be delivered personally to any person or may be sent by telegram addressed to such person and a copy of such notice may be posted on the land to which it relates and when so posted every person occupying or present on such land shall be presumed to have knowledge of the notice.

- (3) The Minister may by order appoint one or more persons to make an investigation to ascertain whether any lands designated under this section are of value for the purposes specified in section 2 and shall forthwith refer the matter to the advisory board appointed under section 9 for a hearing and report. Investigation and hearing
- (4) A person appointed under subsection 3 may enter upon and inspect the lands designated under subsection 1. Powers of inspection
- (5) No person shall obstruct a person appointed under subsection 3 in conducting his investigation or withhold or destroy or conceal or refuse to furnish any information or thing required by the person conducting the investigation for the purposes of the investigation. Obstruction and withholding of information
- (6) A person conducting an investigation under this section shall, as promptly as is practicable, report the result of his investigation to the Minister and to the advisory board and the advisory board shall thereupon hold a hearing and the provisions of subsections 2 to 5 of section 2*a* apply to the proceedings of the advisory board. Report of investigation
- (7) Unless sooner revoked by the Minister, a designation made under this section shall be effective until sixty days after the advisory board makes its report to the Minister, but the Minister may, prior to that time, designate the lands under section 2. Effect of order
- 2*c*. Where land is designated under section 2 or 2*b* and no agreement as to the terms and conditions upon which the designation is made, including payment of compensation, if any, has been reached by the Minister with the owner, the owner shall be entitled to compensation, Compensation
- (*a*) for any reduction in market value of the land designated;
- (*b*) for any reduction in the market value of any land contiguous to the lands designated owned by the owner or used under unified control with the lands designated by the owner; and
- (*c*)

- (c) for any personal or business damages, resulting from the designation,

R.S.O. 1970,
c. 154

and the provisions of *The Expropriations Act*, with respect to the negotiation, payment and fixing of compensation, apply *mutatis mutandis* as if the designation and the resulting restrictions imposed by this Act were an expropriation of rights.

R.S.O. 1970,
c. 26, s. 4,
subss. 2, 3,
re-enacted

(3) Subsections 2 and 3 of section 4 of *The Archaeological and Historic Sites Protection Act* are repealed and the following substituted therefor:

Terms and
conditions

- (2) The Minister may limit the time during which, or the location or area in which, excavations or alterations may be made under a permit and may impose other terms and conditions for the purposes specified in section 2 for the protection of archaeological or historic sites or archaeological or historical objects.

Cancellation
of permit

- (3) Subject to subsection 4, the Minister may cancel a permit at any time where he has reasonable grounds for believing it is advisable for the protection of archaeological or historic sites or archaeological or historical objects.

Reference to
advisory
board for
hearing

- (4) Where the Minister cancels a permit under subsection 3, he shall forthwith notify the permittee in writing of the cancellation and of the reasons therefor, and, if the permittee requests a hearing within ten days after receiving notice of the cancellation, the Minister shall refer the matter to the advisory board appointed under section 9 for a hearing and report, and subsections 2 to 5 of section 2a apply *mutatis mutandis* to the proceedings thereafter and, after considering the report of the advisory board, the Minister may affirm or rescind cancellation of the permit.

R.S.O. 1970,
c. 30, s. 1,
amended

9.—(1) Section 1 of *The Artificial Insemination of Cattle Act* is amended by adding thereto the following clauses:

- (aa) "Board" means the Artificial Insemination of Cattle Licence Review Board established by this Act;

(ca)

(ea) "licence" means a licence under this Act.

(2) Section 9 of *The Artificial Insemination of Cattle Act* <sup>R.S.O. 1970,
c. 30, s. 9,
re-enacted</sup> is repealed and the following substituted therefor:

9.—(1) The Commissioner shall issue a licence to a <sup>Licence,
issue</sup> person who makes application therefor in accordance with this Act and the regulations and pays the prescribed fee unless, after a hearing, he is of opinion that,

- (a) the applicant or, where the applicant is a corporation, its officers or directors, is or are not competent to carry on the operations that would be authorized by the licence;
- (b) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the operations that would be authorized by the licence will not be carried on in accordance with law;
- (c) the applicant does not possess or will not have available all premises, facilities and equipment necessary to carry on the operations that would be authorized by the licence in accordance with this Act and the regulations; or
- (d) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations.

(2) Subject to section 9a, the Commissioner shall renew ^{Renewal} a licence on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee.

9a.—(1) The Commissioner may refuse to renew or may <sup>Refusal to
renew,
suspension
or cancel-
lation</sup> suspend or cancel a licence if, after a hearing, he is of opinion that,

(a)

- (a) the premises, facilities and equipment used in the operations authorized by the licence do not comply with this Act and the regulations;
- (b) the licensee or, where the licensee is a corporation, any officer, director or servant thereof has contravened or has permitted any person under his control or direction in connection with the operations authorized by the licence to contravene any provision of this Act or the regulations or of any other Act or the regulations thereunder or of any law applying to the operations authorized by the licence and such contravention warrants such refusal to renew, suspension or cancellation of the licence; or
- (c) any other ground for refusal to renew, suspension or cancellation specified in the regulations exists.

Provisional
suspension,
etc.

- (2) Notwithstanding subsection 1, the Commissioner, by notice to a licensee and without a hearing, may provisionally refuse to renew or suspend the licensee's licence where in the Director's opinion it is necessary to do so for the immediate protection of the safety or health of any animal and the Commissioner so states in such notice giving his reasons therefor, and thereafter the Commissioner shall hold a hearing to determine whether renewal of the licence should be refused or whether the licence should be further suspended or cancelled under this Act and the regulations.

Continuation
of licence
pending
renewal

- (3) Subject to subsection 2, where, within the time prescribed or, if no time is prescribed, before expiry of his licence, a licensee has applied for a renewal of his licence and has paid the prescribed fee and observed or carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the Commissioner on his application for renewal.

Notice of
hearing

- 9b.—(1) The notice of a hearing by the Commissioner under section 9 or 9a shall afford to the applicant or licensee a reasonable opportunity to show or

to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

- (2) An applicant or licensee who is a party to proceedings in which the Commissioner holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence

- 9c. Where the Commissioner has refused to issue or renew or has suspended or cancelled a licence pursuant to a hearing, he may, at any time of his own motion or on the application of the person who was the applicant or licensee, vary or rescind his decision, but the Commissioner shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and the regulations. Variation of decision by Commissioner

- 9d.—(1) A board to be known as the “Artificial Insemination of Cattle Licence Review Board” is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council none of whom are members of the public service in the employ of the Department of Agriculture and Food, and who shall, subject to subsection 2, hold office during pleasure. Review Board established

- (2) A member of the Board shall hold office for not more than five consecutive years. Term of office

- (3) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman. Chairman

- (4) A majority of the members of the Board constitutes a quorum. Quorum

- (5) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine. Remuneration

Appeal to
Board

9e.—(1) Where the Commissioner refuses to issue or renew or suspends or cancels a licence, the applicant or licensee may by written notice delivered to the Commissioner and filed with the Board within fifteen days after receipt of the decision of the Commissioner appeal to the Board.

Extension
of time
for appeal

(2) The Board may extend the time for the giving of notice by an applicant or licensee under subsection 1 either before or after expiration of such time where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension.

Disposal
of appeal

(3) Where an applicant or licensee appeals to the Board under this section, the Board shall hear the appeal by way of a hearing *de novo* to determine whether the licence should be issued, renewed, suspended or cancelled and may, after the hearing, confirm or alter the decision of the Commissioner or direct the Commissioner to do any act he is authorized to do under this Act and as the Board considers proper and, for such purpose, the Board may substitute its opinion for that of the Commissioner.

Effect of
decision
pending
disposal
of appeal

(4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Commissioner, unless the Commissioner otherwise directs, the decision of the Commissioner is effective until the appeal is disposed of.

Parties

9f.—(1) The Commissioner, the appellant and such other persons as the Board may specify are parties to the proceedings before the Board under this Act.

Members
making
decision not
to have
taken part
in investi-
gation, etc.

(2) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the

nature of the advice should be made known to the parties in order that they may make submissions as to the law.

- (3) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence
- (4) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act*, 1971, c. 47 1971. Findings of fact
- (5) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision. Only members at hearing to participate in decision
- 9g.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Supreme Court in accordance with the rules of court. Appeal to court
- (2) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section. Minister entitled to be heard
- (3) The chairman of the Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board, if it is not part of the Board's record, shall constitute the record in the appeal. Record to be filed in court
- (4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Board or direct the Commissioner to do any act he is authorized to do under this Act or may refer the matter back to the Board for reconsideration by the

Board as the court considers proper, and the court may substitute its opinion for that of the Commissioner or the Board.

Effect of
decision of
Board
pending
disposal
of appeal

- (5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of.

R.S.O. 1970,
c. 38, s. 1,
amended

- 10.**—(1) Section 1 of *The Bailiffs Act* is amended by adding thereto the following clause:

(aa) “business premises” does not include a dwelling.

R.S.O. 1970,
c. 38, s. 1, cl. d,
re-enacted

- (2) Clause *d* of the said section 1 is repealed and the following substituted therefor:

(d) “Director” means the Director of the Consumer Protection Division of the Department of Financial and Commercial Affairs;

(da) “dwelling” means any premises or any part thereof occupied as living accommodation;

.

(ea) “Registrar” means the Registrar of Collection Agencies under *The Collection Agencies Act*.

R.S.O. 1970,
c. 71

- (3) The said section 1 is further amended by adding thereto the following clause:

(h) “Tribunal” means the Commercial Registration Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act*.

R.S.O. 1970,
c. 38, s. 1,
amended

R.S.O. 1970,
c. 113

R.S.O. 1970,
c. 38, s. 7,
amended

- (4) Section 7 of *The Bailiffs Act* is amended by striking out “Director” in the fourth line and inserting in lieu thereof “Registrar”.

R.S.O. 1970,
c. 38, s. 9,
re-enacted

- (5) Section 9 of *The Bailiffs Act* is repealed and the following substituted therefor:

Revocation
of appoint-
ment

9. Subject to section 9a, the Registrar may revoke an appointment where the bailiff,

(a)

- (a) has not complied with this Act or the regulations or *The Costs of Distress Act*; or

R.S.O. 1970,
c. 92

- (b) is, in the opinion of the Registrar, incompetent or without capacity to act responsibly as a bailiff.

9a.—(1) Where the Registrar proposes to revoke an appointment, he shall serve notice of his proposal, together with written reasons therefor, on the bailiff.

Notice of
proposal
to revoke

- (2) A notice under subsection 1 shall inform the bailiff that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Tribunal, and he may so require such a hearing.

Notice
requiring
hearing

- (3) Where a bailiff does not require a hearing by the Tribunal in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1.

Powers of
Registrar
where no
hearing

- (4) Where a bailiff requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Registrar ought to take.

Powers of
Tribunal
where
hearing

- (5) The Registrar, the bailiff who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.

Parties

- (6) The Registrar may serve notice under subsection 1 on a bailiff personally or by registered mail addressed to his address last known to the Registrar and, where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the bailiff on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

Service
of notice

Order
effective
not-
withstanding
appeal
R.S.O. 1970,
c. 113

9b. Notwithstanding that a bailiff appeals from an order of the Tribunal under section 9b of *The Department of Financial and Commercial Affairs Act*, the order takes effect immediately but the Tribunal may grant a stay until disposition of the appeal.

R.S.O. 1970,
c. 38, s. 10,
subs. 2,
amended

(6) Subsection 2 of section 10 of *The Bailiffs Act* is amended by striking out "Director" in the third line and inserting in lieu thereof "Registrar".

R.S.O. 1970,
c. 38, s. 11,
amended

(7) Subsection 2 of section 11 of *The Bailiffs Act* is amended by striking out "Director" in the second line and inserting in lieu thereof "Registrar".

R.S.O. 1970,
c. 38, s. 11,
subs. 4,
amended

(8) Subsection 4 of the said section 11 is amended by striking out "Director" in the first line and in the second line and inserting in lieu thereof in each instance "Registrar".

R.S.O. 1970,
c. 38, s. 11,
subs. 5,
re-enacted

(9) Subsection 5 of the said section 11 is repealed and the following substituted therefor:

Investigation

(5) The Registrar may appoint in writing a person to investigate the business of a bailiff as a bailiff and any such person, upon the production of evidence of his appointment under this subsection, may enter between 9 o'clock in the forenoon and 5 o'clock in the afternoon the business premises of the bailiff and examine books, papers, documents and things relating to his business as a bailiff.

Obstruction
of
investigator

(5a) No person shall obstruct a person appointed to make an investigation under subsection 5 or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation.

R.S.O. 1970,
c. 38, s. 13,
subs. 1,
amended

(10) Subsection 1 of section 13 of *The Bailiffs Act* is amended by inserting after "9" in the second line "or 9a".

R.S.O. 1970,
c. 38,
amended

(11) *The Bailiffs Act* is amended by adding thereto the following section:

Matters
confidential

14a. Every person employed in the administration of this Act, including any person making an examination under section 11, shall preserve secrecy in respect of all matters that come to his knowledge in the course

of his duties, employment or examination and shall not communicate any such matters to any other person except,

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations;
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

(12) Clause *d* of section 16 of *The Bailiffs Act* is repealed. R.S.O. 1970,
c. 38, s. 16, cl. *d*,
repealed

11.—(1) Subsection 1 of section 2 of *The Beach Protection Act* is amended by striking out “and may suspend or cancel any licence” in the fifth and sixth lines. R.S.O. 1970,
c. 40, s. 2,
subs. 1,
amended

(2) *The Beach Protection Act* is amended by adding thereto the following sections: R.S.O. 1970,
c. 40,
amended

2*a*.—(1) The Minister may refuse to issue a licence to take sand from a bed, bank, beach, shore, waters, bar or flat mentioned in subsection 1 of section 2 that is the property of the Crown on any ground upon which he considers it to be contrary to the public interest to issue the licence. Refusal to
issue
licence

(2) Subject to section 9, where a bed, bank, beach, shore, waters, bar or flat mentioned in subsection 1 of section 2 is owned by a person other than the Crown, the owner or a person who has acquired from the owner the right to remove sand therefrom is entitled to be issued a licence by the Minister unless the Minister is of opinion that, Idem

(a) the taking or removal of sand therefrom is contrary to the public interest on the ground that it will,

- (i) unduly impair or interfere with the natural state or use of waters or the value or use of property,
- (ii) likely cause undue erosion of or accretion to lands, or

(iii)

- (iii) likely create a threat to roads, rights-of-way, structures or installations or to health or safety,

in the place from which the sand is to be taken or the area adjacent or near to such place; or

- (b) the equipment that the applicant proposes to use for removal of the sand is not proper or suitable for such purpose.

Suspension,
etc., of
licence

- (3) The Minister may, in accordance with section 2b, refuse to renew or may suspend or revoke a licence,

- (a) if the licensee has contravened or failed to comply with the terms and conditions of the licence; or

- (b) on any grounds upon which he might refuse to issue the licence if application was being made for it in the first instance.

Reference to
Mining
Com-
missioner

- 2b.—(1) Subject to subsection 7, before refusing to issue a licence under subsection 2 of section 2a or to renew any licence or before suspending or revoking any licence, the Minister shall refer the matter to the Mining Commissioner appointed under *The Mining Act* for a hearing and report.

R.S.O. 1970,
c. 274

Hearing

- (2) Pursuant to a reference by the Minister under this section, the Mining Commissioner shall hold a hearing as to whether the licence to which the hearing relates should be issued or renewed or should be suspended or revoked, as the case may be, and the applicant or licensee and such other person as the Commissioner specifies shall be parties to the hearing.

Application
of 1971, c. 47,
ss. 6-16, 21-23

- (3) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply with respect to a hearing under this section.

Assistance
for Com-
missioner

- (4) The Mining Commissioner may obtain the assistance of engineers, surveyors or other scientific persons who may under his order view and examine the property in question, and in making his report he may give such weight to their opinion or report as he considers proper.

Report
of Com-
missioner

- (5) At the conclusion of a hearing under this section, the Mining Commissioner shall make a report to the

Minister

Minister setting out his findings of fact and any information or knowledge used by him in reaching his recommendations, any conclusions of law he has arrived at relevant to his recommendations and his recommendations as to the issue, renewal, suspension or revocation of the licence to which the hearing relates, as the case may be, and shall send a copy of his report to the applicant or licensee to whom it relates.

- (6) After considering the report of the Mining Commissioner under this section, the Minister may thereupon refuse to issue or to renew or may suspend or revoke the licence to which the report relates and shall give notice of his decision to the applicant or licensee specifying the reasons therefor. Decision of Minister

- (7) Notwithstanding subsection 1, the Minister, by notice to a licensee and without referring the matter to the Mining Commissioner for a hearing, may provisionally refuse renewal of, or suspend the licensee's licence where the continuation of operations under the licence is, in the Minister's opinion, an immediate threat to the public interest and the Minister so states in such notice, giving his reasons therefor, and the Minister shall forthwith thereafter refer the matter to the Mining Commissioner and the provisions of subsections 1 to 6 shall apply. Provisional suspension, etc.

(3) Section 13 of *The Beach Protection Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 40, s. 13, re-enacted

13. Where it is proved in any prosecution under this Act that the accused has done or committed any act or thing for which a licence or the consent of any person or persons is required under this Act, the burden of proving that the required licence was issued or consent was given shall rest upon the accused. Burden of proof

(4) Subsection 1 of section 14 of *The Beach Protection Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 40, s. 14, subs. 1, re-enacted

- (1) A person to whom a licence to take sand from property of the Crown in right of Ontario is issued may be required to pay to the Crown, in addition to his licence fee, a fixed sum for every yard of sand removed under the authority of the licence. Royalties

(5) Clause *d* of section 16 of *The Beach Protection Act* is repealed. R.S.O. 1970, c. 40, s. 16, cl. d, repealed

R.S.O. 1970,
c. 43, s. 5,
subss. 1, 2,
re-enacted

12.—(1) Subsections 1 and 2 of section 5 of *The Bees Act* is repealed and the following substituted therefor:

Destruction
or treatment
of infected
bees

(1) Where an inspector has reasonable grounds for believing that disease of a virulent type exists in any bees or the causal organisms of such disease exist in or on any hives or equipment pertaining to the keeping of bees, he may, by order in writing,

(a) require the bee-keeper to disinfect such bees, hives or equipment in such manner and within such period as the order requires; or

(b) require the bee-keeper to destroy by fire, within such period as the order requires, such bees, hives or equipment as in the opinion of the inspector cannot be disinfected.

Treatment
of infected
bees

(2) Where an inspector has reasonable grounds for believing that disease not of a virulent type exists in any bees or the causal organisms of such disease exist in or on any hives or equipment pertaining to the keeping of bees, he may, by order in writing, require the bee-keeper to disinfect such bees, hives or equipment in such manner and within such period as the order requires.

R.S.O. 1970,
c. 43, s. 5,
subs. 4,
re-enacted

(2) Subsection 4 of the said section 5 is repealed and the following substituted therefor:

Order

(4) Every order under this section shall be delivered to the bee-keeper by an inspector or mailed by prepaid mail to his last or usual place of abode and shall contain notice to the bee-keeper that he may appeal from the order to the Provincial Apiarist within five days after receipt of the order and, where the order is mailed, the bee-keeper shall be deemed to have received the order on the third day after the day of mailing unless he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the order until a later date.

R.S.O. 1970,
c. 43, s. 7,
subs. 2,
re-enacted

(3) Subsection 2 of section 7 of *The Bees Act* is repealed and the following substituted therefor:

Appeal

(2) An appeal under this section may be made in writing or orally or by telephone to the Provincial Apiarist, but the Provincial Apiarist may require the grounds for appeal to be specified in writing before the hearing.

(3)

- (3) Upon being notified of an appeal, the Provincial^{Hearing} Apiarist shall, after a hearing, confirm, revoke or modify the order appealed against and shall notify the appellant of his decision by prepaid mail and the appellant shall carry out such order as is given by the Provincial Apiarist in his decision.
- (4) The bee-keeper and the inspector who made the^{Parties} order appealed from are parties to an appeal under this section.

13.—(1) Section 3 of *The Boundaries Act* is repealed. R.S.O. 1970,
c. 48, s. 3,
repealed

(2) *The Boundaries Act* is amended by adding thereto the following section: R.S.O. 1970,
c. 48,
amended

10a.—(1) The applicant, any person who delivers a state-^{Parties}ment of objections under section 10 and such other person as the director may specify are parties to the proceeding for the confirmation of the survey and plan.

(2) Notwithstanding *The Statutory Powers Procedure Act*,<sup>Notice of
hearing
1971, c. 47</sup> 1971, the publication of and the giving of notice in accordance with subsection 1 of section 9 is a sufficient compliance with section 6 of that Act.

(3) Subsection 6 of section 11 of *The Boundaries Act* is<sup>R.S.O. 1970,
c. 48, s. 11,
subs. 6,</sup> repealed and the following substituted therefor:

(6) In addition to giving notice of his decision to the parties in accordance with *The Statutory Powers Pro-<sup>Publication
of notice of
confirmation</sup>cedure Act, 1971*, the director shall cause notice of the confirmation to be published in *The Ontario Gazette*.

(7) The oral evidence taken before the director at a hear-<sup>Recording
of evidence</sup>ing shall be recorded, and, if so required, copies or a transcript thereof shall be furnished upon payment of the prescribed fees.

(4) Subsection 2 of section 12 of *The Boundaries Act* is<sup>R.S.O. 1970,
c. 48, s. 12,
subs. 2,
re-enacted</sup> repealed and the following substituted therefor:

(2) Notice of an appeal under this section shall be served<sup>Notice of
appeal</sup> by the appellant upon the director and the other parties to the proceedings before him within twenty days after the date of the publication in *The Ontario Gazette* of the notice of confirmation.

(5) Clause *f* of section 20 of *The Boundaries Act* is repealed.<sup>R.S.O. 1970,
c. 48, s. 20, cl. *f*,
repealed</sup>

R.S.O. 1970,
c. 59, ss. 3, 4,
repealed

14.—(1) Sections 3 and 4 of *The Certification of Titles Act* are repealed.

R.S.O. 1970,
c. 59, s. 8,
subs. 1, cl. b,
amended,
cl. c,
re-enacted

(2) Clause *b* of subsection 1 of section 8 of *The Certification of Titles Act* is amended by striking out “or” at the and of subclause i and by striking out subclause ii and clause *c* of subsection 1 of the said section 8 is repealed and the following substituted therefor:

(c) to be served on,

- (i) the owner, mortgagee or chargee, or his assignee, of land adjoining the land of the applicant,
- (ii) any person shown in the application to have a claim adverse to the claim of the applicant,
- (iii) any person other than the applicant shown in the application to be in possession of the land, and
- (iv) such other person as the Director of Titles may specify.

R.S.O. 1970,
c. 59, s. 8,
subs. 2,
re-enacted

(3) Subsection 2 of section 8 of *The Certification of Titles Act* is repealed and the following substituted therefor:

Service of
notice

- (2) A notice to be served on the owner, mortgagee or chargee, or his assignee, of the land adjoining the land of the applicant under subclause i of clause *c* of subsection 1 is sufficiently served if it is sent by registered mail addressed to him at the address furnished under section 185 of *The Land Titles Act* or section 37 of *The Registry Act* or, where no such address has been furnished, addressed to the solicitor whose name appears on the conveyance, mortgage or charge, or assignment thereof, under which he appears to have an interest in such adjoining land.

R.S.O. 1970,
cc. 234, 409

Idem

- (3) Notice to be served on any person under subclauses ii, iii and iv of clause *c* of subsection 1 may be served in such manner as the Director of Titles considers proper.

R.S.O. 1970,
c. 59, s. 11,
subs. 2,
re-enacted

(4) Subsection 2 of section 11 of *The Certification of Titles Act* is repealed and the following substituted therefor:

Hearing

- (2) Where a claim adverse to or inconsistent with the claim set out in an application is filed with the

Director

Director of Titles, the Director, before refusing an application in whole or in part, shall afford an opportunity for a hearing.

- (3) The applicant, a person, if any, filing a claim adverse ^{Parties} to or inconsistent with the claim set out in the application and such other persons as the Director of Titles may specify are parties to the proceedings in which a hearing is held under this section.

- (4) The oral evidence taken before the Director of Titles ^{Evidence} at a hearing shall be recorded, and, if so required, copies or a transcript thereof shall be furnished upon the payment of the prescribed fees.

- (5) The Director of Titles, in the place of holding a hearing under this section to determine the validity of a claim adverse to or inconsistent with the claim set out in an application, may refer the determination to a judge of the Supreme Court ^{Reference to judge of Supreme Court} who shall hear and determine the claim on the evidence before him or may direct the trial of an issue.

- (5) Subsection 3 of section 12 of *The Certification of Titles Act* is repealed and the following substituted therefor: ^{R.S.O. 1970, c. 59, s. 12, subs. 3, re-enacted}

- (3) Any person aggrieved by the written findings of the Director of Titles may, within fifteen days after the date of the mailing of the copies under subsection 2, appeal to the Supreme Court, which may decide the matter on the evidence before it or may direct the trial of an issue. ^{Appeal}

- (6) The said section 12 is amended by adding thereto the following subsection: ^{R.S.O. 1970, c. 59, s. 12, amended}

- (6) Sections 17 and 18 of *The Statutory Powers Procedure Act, 1971* do not apply to proceedings to determine an application for a certificate of title under this Act. ^{Certain provisions of 1971, c. 47, not to apply}

- (7) Section 19 of *The Certification of Titles Act* is amended by adding thereto the following subsection: ^{R.S.O. 1970, c. 59, s. 19, amended}

- (4a) Before refusing a claim for compensation under this section, in whole or in part, the Director of Land Registration shall hold a hearing, and the person ^{Hearing}

claiming

claiming compensation and such other persons as the Director of Land Registration may specify are parties to the proceedings.

R.S.O. 1970, c. 59, s. 21, cl. i., is repealed. (8) Clause *i* of section 21 of *The Certification of Titles Act* is repealed.

R.S.O. 1970, c. 61, s. 7, re-enacted **15.** Section 7 of *The Charitable Gifts Act* is repealed and the following substituted therefor:

Investigation

7.—(1) The Treasurer of Ontario may appoint any person to make an investigation for any purpose related to the administration or enforcement of this Act respecting any interest in any business that has been given to or vested in any person for any religious, charitable, educational or public purpose or respecting any person to or in whom any such interest has been given or vested.

Powers

1971, c. 49

(2) Every person appointed under subsection 1 to make an investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to the investigation as if it were an inquiry under that Act.

R.S.O. 1970, c. 62, s. 2, re-enacted

16.—(1) Section 2 of *The Charitable Institutions Act* is repealed and the following substituted therefor:

Approval of corporations

R.S.O. 1970, c. 89

2. Where the Lieutenant Governor in Council is satisfied that any corporation without share capital having objects of a charitable nature to which Part III of *The Corporations Act* applies or that is incorporated under a general or special Act of the Parliament of Canada is, with financial assistance under this Act, financially capable of establishing, maintaining and operating a charitable institution and that its affairs are carried on under competent management in good faith for charitable purposes, he may approve such corporation for the purposes of this Act.

R.S.O. 1970, c. 62, s. 3, re-enacted

(2) Section 3 of *The Charitable Institutions Act* is repealed and the following substituted therefor:

- 3.—(1) Where the Lieutenant Governor in Council is Approval of buildings satisfied that a building is suitable for providing accommodation as a charitable institution in accordance with this Act and the regulations, he may approve such building as a charitable institution for the maintenance and operation of which assistance may be given under this Act.
- (2) An approval given under subsection 1 may take Effective date of approval effect on any date fixed by the Lieutenant Governor in Council that is prior to the date on which the approval is given, but in no case shall the date upon which the approval takes effect precede the date of the approval given under section 2 to the corporation maintaining and operating the charitable institution.
- (3) Section 9 of *The Charitable Institutions Act* is repealed R.S.O. 1970, c. 62, s. 9, re-enacted and the following substituted therefor:
- 9.—(1) Subject to this section, any approval given under this Act may be suspended by the Minister or revoked by the Lieutenant Governor in Council on the recommendation of the Minister if,
- (a) any director, officer or servant of the approved corporation has contravened or knowingly permitted any person under his control and direction to contravene any provision of this Act or the regulations and such contravention occurred through lack of competence or with intent to evade the requirements of such provision; or
- (b) the approval would be refused if application were being made for it in the first instance.
- (2) Subject to subsection 6 and except where an Hearing approval is suspended or revoked with the consent of the approved corporation, before suspending, or before recommending to the Lieutenant Governor in Council revocation of, an approval given under this Act, the Minister shall cause a hearing as to whether the approval should be suspended or revoked to be held by a person, other than a person in the employment of the Department of Social and Family Services, appointed by the Minister.
- (3) Sections 4 to 16 and 21 to 24 of *The Statutory Powers Procedure Act, 1971* apply with respect to a Application of 1971, c. 47 hearing under this section.

Report to
Minister

- (4) The person conducting a hearing under this section shall, at the conclusion of the hearing, make a report to the Minister setting out his findings of fact and any information or knowledge used by him in making his recommendations, any conclusions of law he has arrived at relevant to his recommendations, and his recommendations as to the suspension or revocation of the approval, and shall send a copy of his report to the persons affected.

Decision of
Minister

- (5) After considering a report made to him under this section, the Minister may thereupon suspend or recommend revocation of the approval to which the report relates and shall give notice of his decision to the persons affected, specifying the reasons therefor.

Provisional
suspension
of approval

- (6) Notwithstanding anything in this section, the Minister, by notice to the persons affected and without a hearing, may provisionally suspend an approval given under this Act where the continuation of operations in accordance with the approval is, in the Minister's opinion, an immediate threat to the public interest and the Minister so states in such notice giving his reasons therefor, and thereafter the Minister shall cause a hearing to be held and the provisions of subsections 2 to 5 apply.

R.S.O. 1970,
c. 62, s. 10, cl. m,
repealed

- (4) Clause *m* of section 10 of *The Charitable Institutions Act* is repealed.

R.S.O. 1970,
c. 63, s. 5,
subs. 1, cl. e,
repealed

- 17.**—(1) Clause *e* of subsection 1 of section 5 of *The Charities Accounting Act* is repealed.

R.S.O. 1970,
c. 63, s. 6,
subs. 4,
re-enacted

- (2) Subsection 4 of section 6 of *The Charities Accounting Act* is repealed and the following substituted therefor:

Powers of
Public
Trustee

- (4) In making an investigation directed under subsection 3, the Public Trustee has and may exercise any of the powers conferred on him by this Act and any of the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to the investigation as if it were an inquiry under that Act.

1971, c. 49

R.S.O. 1970,
c. 65, s. 1,
amended

- 18.**—(1) Section 1 of *The Children's Boarding Homes Act* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clauses:

(a)

- (a) "Board" means the Day Nursery Review Board established under *The Day Nurseries Act*; R.S.O. 1970, c. 104

- (da) "occupier" means the occupier of a children's boarding home who applied for registration of the home under this Act.

- (2) Subsections 1 and 2 of section 6 of *The Children's Boarding Homes Act* are repealed and the following substituted therefor: R.S.O. 1970, c. 65, s. 6, subss. 1, 2, re-enacted

- (1) Subject to section 8, upon application in the pre-Registration scribed form and upon payment of the prescribed fee, the Registrar shall record in a register kept by him for the purpose the name and address of the applicant, the name, if any, and address of the children's boarding home, the date of registration and such other particulars as the regulations prescribe.

- (2) Subject to section 8a, every registration remains in Idem force for twelve months and, upon application therefor in the prescribed form and upon payment of the prescribed fee, is renewable for a period of twelve months.

- (3) Subsection 2 of section 7 of *The Children's Boarding Homes Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 65, s. 7, subs. 2, re-enacted

- (2) Where the applicant for registration is dissatisfied with the maximum number of children referred to in subsection 1 fixed by the Registrar, he may by written notice given to the Registrar and the Board require a hearing by the Board and the Board shall appoint a time for and hold a hearing. Review of decision of Registrar

- (3) Pursuant to a hearing under subsection 1, the Board may affirm the maximum number of children determined by the Registrar or may determine such other number of children that may be lodged, boarded or cared for at any one time in the registered premises as it considers proper. Decision of Board

- (4) Where a children's boarding home is used at any Offence time, except in the case of emergency, to lodge, board or care for a greater number of children than the maximum finally determined under this section, the occupier or, where the occupier is a corporation,

the

the corporation and every officer, director or servant thereof concerned in the management of the home are severally guilty of an offence and on summary conviction are liable to a fine of not more than \$25 for every day during which such use is continued.

R.S.O. 1970,
c. 65, s. 8,
re-enacted

(4) Section 8 of *The Children's Boarding Homes Act* is repealed and the following substituted therefor:

Refusal to
register

8. Subject to section 8*b*, the Registrar may refuse to register a children's boarding home if in his opinion,

- (a) the applicant or, where the applicant is a corporation, its officers or directors, is or are not competent to operate a children's boarding home in a responsible manner in accordance with this Act and the regulations;
- (b) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the home will not be operated in accordance with this Act and the regulations; or
- (c) the building or accommodation in which it is proposed to operate the home does not comply with the requirements of this Act and the regulations.

Revocation
or refusal to
review
registration

8*a*. Subject to section 8*b*, the Registrar may refuse to renew or may revoke registration of a children's boarding home if in his opinion,

- (a) the registrant or, where the registrant is a corporation, any officer, director or servant thereof, has contravened or has knowingly permitted any person under his control or direction or associated with him in the operation of the home to contravene any provision of this Act or the regulations or of any other Act or the regulations thereunder applying to the carrying on of the home and such contravention occurred through lack of competence or with intent to evade the requirements of such provision;
- (b) the building or accommodation in which the children's boarding home is operated does not comply with the requirements of this Act or the regulations; or

(c)

- (c) the children's boarding home is operated in a manner that is prejudicial to the safety or welfare of the children boarded therein.

8b.—(1) Where the Registrar proposes to refuse to register or to renew or to revoke registration under this Act, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or registrant.

Notice of proposal to refuse to register, etc.

(2) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to a hearing by the Board if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Board, and he may so require such a hearing.

Notice requiring hearing

(3) Where an applicant or registrant does not require a hearing by the Board in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1.

Powers of Registrar where no hearing

(4) Where an applicant or registrant requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Board considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Board may substitute its opinion for that of the Registrar.

Powers of Board where hearing

8c.—(1) Service of a notice under subsection 1 of section 8b on an applicant or registrant may be made personally or by registered mail addressed to the applicant or registrant at his address last known to the Registrar and, where it is served by registered mail, it shall be deemed to have been served on the third day after the day of mailing unless the applicant or registrant establishes to the Board that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive it until a later date.

Service of notice

(2) The Board may extend the time for requiring a hearing under section 8b, either before or after expiration of the time fixed therein, where it is satisfied that there are *prima facie* grounds for granting relief to the applicant or registrant pursuant to a hearing and

Extension of time for requiring hearing

that

that there are reasonable grounds for applying for the extension and may give such directions as it considers proper consequent upon the extension.

Continuation
of
registration
pending
renewal

- (3) Subject to section 8*e* where, within the time prescribed therefor or, if no time is prescribed, before expiry of his registration, a registrant has applied for renewal of his registration and paid the prescribed fee, his registration shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice that the Registrar proposes to refuse to grant the renewal, until the time for requiring a hearing has expired and, where a hearing is required, until the Board has made its decision.

Application
of R.S.O. 1970,
c. 104

- 8*d*. Sections 12 and 13 of *The Day Nurseries Act* apply *mutatis mutandis* to proceedings by the Board under this Act and to appeals therefrom.

Provisional
suspension,
etc.

- 8*e*. Notwithstanding section 8*b*, the Registrar by notice to a registrant and without a hearing, may provisionally refuse renewal of or suspend registration of the registrant where the operation of the children's boarding home is, in the Registrar's opinion, an immediate threat to the safety or welfare of the children boarded therein and the Registrar so states in such notice giving his reasons therefor, and thereafter the provisions of section 8*b* apply as if the notice given under this section were a notice of a proposal to revoke the registration under subsection 1 of section 8*b*.

R.S.O. 1970,
c. 66, s. 14, cl. i,
repealed

- (5) Clause *i* of section 14 of *The Children's Boarding Homes Act* is repealed.

R.S.O. 1970,
c. 66, s. 2,
re-enacted

- 19.**—(1) Section 2 of *The Children's Institutions Act* is repealed and the following substituted therefor:

Approval of
corporations

2. Where the Lieutenant Governor in Council is satisfied that any corporation without share capital having objects of a charitable nature to which Part III of *The Corporations Act* applies or that is incorporated under a general or special Act of the Parliament of Canada is, with financial assistance under this Act, financially capable of establishing, maintaining and operating a children's institution and that its affairs

R.S.O. 1970,
c. 89

are carried on under competent management in good faith for charitable purposes, he may approve such corporation for the purposes of this Act.

(2) Section 3 of *The Children's Institutions Act* is repealed and the following substituted therefor: R.S.O. 1970,
c. 66, s. 3,
re-enacted

3.—(1) Where the Lieutenant Governor in Council is satisfied that a building is suitable for providing accommodation as a children's institution in accordance with this Act and the regulations, he may approve such building as a children's institution for the maintenance and operation of which assistance may be given under this Act. Approval of
children's
institutions

(2) An approval given under subsection 1 may take effect on any date fixed by the Lieutenant Governor in Council that is prior to the date on which the approval is given, but in no case shall the date upon which the approval takes effect precede the date of the approval given under section 2 to the corporation maintaining and operating the children's institution. Effective
date of
approval

(3) Section 9 of *The Children's Institutions Act* is repealed and the following substituted therefor: R.S.O. 1970,
c. 66, s. 9,
re-enacted

9.—(1) Subject to this section, any approval given under this Act may be suspended by the Minister or revoked by the Lieutenant Governor in Council on the recommendation of the Minister if, Suspension
and revoca-
tion of
approvals

(a) any director, officer or servant of the approved corporation has contravened or knowingly permitted any person under his control and direction to contravene any provision of this Act or the regulations and such contravention occurred through lack of competence or with intent to evade the requirements of such provision; or

(b) the approval would be refused if application were being made for it in the first instance.

(2) Subject to subsection 6 and except where an approval is suspended or revoked with the consent of the approved corporation, before suspending, or before recommending to the Lieutenant Governor Hearing

in

in Council revocation, of an approval given under this Act, the Minister shall cause a hearing as to whether the approval should be suspended or revoked to be held by a person, other than a person in the employment of the Department of Social and Family Services, appointed by the Minister.

Application
of 1971, c. 47

- (3) Sections 4 to 16 and 21 to 24 of *The Statutory Powers Procedure Act, 1971* apply with respect to a hearing under this section.

Report of
Minister

- (4) The person conducting a hearing under this section shall, at the conclusion of the hearing, make a report to the Minister setting out his findings of fact and any information or knowledge used by him in making his recommendations, any conclusions of law he has arrived at relevant to his recommendations, and his recommendations as to the suspension or revocation of the approval, and shall send a copy of his report to the persons affected.

Decision of
Minister

- (5) After considering a report made to him under this section, the Minister may thereupon suspend or may recommend revocation of the approval to which the report relates and shall give notice of his decision to the persons affected, specifying the reasons therefor.

Provisional
suspension
of approval

- (6) Notwithstanding anything in this section, the Minister, by notice to the persons affected and without a hearing, may provisionally suspend an approval given under this Act where the continuation of operations in accordance with the approval is, in the Minister's opinion, an immediate threat to the public interest and the Minister so states in such notice giving his reasons therefor, and thereafter the Minister shall cause a hearing to be held and the provisions of subsections 2 to 5 apply.

R.S.O. 1970,
c. 66, s. 10,
cl. n,
repealed

- (4) Clause *n* of section 10 of *The Children's Institutions Act* is repealed.

R.S.O. 1970,
c. 68, ss. 5, 6,
re-enacted

20.—(1) Sections 5 and 6 of *The Children's Mental Health Centres Act* are repealed and the following substituted therefor:

Issue of
licence

- 5.—(1) Subject to subsection 2, any person who applies in accordance with this Act and the regulations for a licence to operate a centre and pays the prescribed fee is entitled to be issued such licence on reasonable terms and conditions by the Director.

(2) Subject to section 9, the Director may refuse to issue ^{Refusal}
a licence if in his opinion, _{to issue}

- (a) the applicant or, where the applicant is a corporation, its officers or directors, is or are not competent to operate a centre in a responsible manner in accordance with this Act and the regulations;
- (b) the past conduct of the applicant or, where the applicant is a corporation, of any of its officers or directors, affords reasonable grounds for belief that the centre will not be operated in accordance with this Act and the regulations;
- (c) the premises or facilities in which it is proposed to operate the centre do not comply with the requirements of this Act or the regulations;
- (d) the applicant is not in a position to provide services in accordance with this Act and the regulations; or
- (e) there is no public need for the centre in the area where the applicant proposes to establish, operate or maintain a centre.

6. Subject to section 9, the Director may revoke a ^{Revocation}
licence under this Act if in his opinion,

- (a) the licensee or, where the licensee is a corporation, any officer, director or servant thereof, has contravened or has knowingly permitted any person under his control or direction or associated with him in the operation of the centre to contravene,
 - (i) any provision of this Act or the regulations or of any other Act or the regulations thereunder applying to the carrying on of the centre, or
 - (ii) any term or condition of the licence,

and such contravention occurred through lack of competence or with intent to evade the requirements of such provision or such term or condition;

(b)

- (b) the premises or facilities in which the centre is operated do not comply with the requirements of this Act; or
- (c) the centre is operated in a manner that is prejudicial to the health, safety or welfare of the children cared for therein.

R.S.O. 1970,
c. 68, ss. 8-12,
re-enacted;
ss. 13, 14,
repealed

(2) Sections 8, 9, 10, 11, 12, 13 and 14 of *The Children's Mental Health Centres Act* are repealed and the following substituted therefor:

Hearing
re terms
of licence

- 8.—(1) Where the Director issues a licence under this Act and the licensee is dissatisfied with the terms and conditions thereof prescribed by the Director, the licensee may by written notice given to the Director and the Board require a hearing by the Board, and the Board shall appoint a time for and hold a hearing.

Decision
of Board

- (2) Pursuant to a hearing under subsection 1, the Board may affirm the terms and conditions prescribed for the licence by the Director or may cancel such terms and conditions or may prescribe such other terms and conditions for the licence in the place of those prescribed by the Director as it considers proper and such terms and conditions shall be terms and conditions of the licence.

Proposal
to refuse
to issue
or revoke

- 9.—(1) Where the Director proposes to refuse to issue or to revoke a licence under this Act, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or licensee.

Notice

- (2) A notice under subsection 1 shall inform the applicant or licensee that he is entitled to a hearing by the Board if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Director and the Board, and he may so require such a hearing.

Powers of
Director
where no
hearing

- (3) Where an applicant or licensee does not require a hearing by the Board in accordance with subsection 2, the Director may carry out the proposal stated in his notice under subsection 1.

Powers of
Board
where
hearing

- (4) Where an applicant or licensee requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time for and hold the hearing and, on the application of the Director at the hearing, may by order direct the Director

to carry out his proposal or refrain from carrying out his proposal and to take such action as the Board considers the Director ought to take in accordance with this Act and the regulations, and for such purposes the Board may substitute its opinion for that of the Director.

- (5) The Board may extend the time for the giving of notice requiring a hearing by an applicant or licensee under this section either before or after expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension and the Board may give such directions as it considers proper consequent upon the extension. Extension of time for requiring hearing

- (6) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue, Continuation of licence pending renewal

(a) until the renewal is granted; or

(b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Board has expired and, where a hearing is required, until the Board has made its decision.

- 10.—(1) The Director, the applicant or licensee who has required the hearing and such other persons as the Board may specify are parties to proceedings before the Board under this Act. Parties

- (2) Notice of a hearing under section 9 shall afford the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence. Notice of hearing

- (3) An applicant or licensee who is a party to proceedings under section 9 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence

Members holding hearing not to have taken part in investigation, etc.

- (4) Members of the Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording of evidence

- (5) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings of fact

- (6) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. 47

Only members at hearing to participate in decision

- (7) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Release of documentary evidence

- (8) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined.

Appeal to court

- 11.—(1) Any party to the proceedings before the Board may appeal from its decision or order to the Supreme Court in accordance with the rules of court.

Record to be filed in court

- (2) Where any party appeals from a decision or order of the Board, the Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Board's record, shall constitute the record in the appeal.

(3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section. Minister entitled to be heard

(4) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Board and may exercise all powers of the Board to direct the Director to take any action which the Board may direct him to take and as the court considers proper and for such purposes the court may substitute its opinion for that of the Director or of the Board, or the court may refer the matter back to the Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper. Powers of court on appeal

12. Notwithstanding section 9, the Director, by notice to a licensee and without a hearing, may provisionally suspend the licensee's licence where the operation of the centre under the licence is, in the Director's opinion, an immediate threat to the health, safety or welfare of the children cared for therein and the Director so states in such notice giving his reasons therefor, and thereafter the provisions of section 9 apply as if the notice given under this section were a notice of a proposal to revoke the licence under subsection 1 of section 9. Provisional suspension

(3) Section 15 of *The Children's Mental Health Centres Act* is amended by striking out "14" in the second line and inserting in lieu thereof "12". R.S.O. 1970, c. 68, s. 15, amended

(4) Subsection 3 of section 17 of *The Children's Mental Health Centres Act* is amended by inserting after "time" where it appears the second time in the fifth line "upon the production of his appointment under this section". R.S.O. 1970, c. 68, s. 17, subs. 3, amended

(5) Section 18 of *The Children's Mental Health Centres Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 68, s. 18, re-enacted

18. Except where otherwise provided, any notice required by this Act to be served may be served personally or by registered mail addressed to the person to whom notice is to be given at his last known address and, where notice is served by registered mail, the service shall be deemed to have been made on the third day after the day of mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date. Service of notice

R.S.O. 1970,
c. 68, s. 21,
subs. 1, cl. b,
re-enacted;

(6) Clause *b* of subsection 1 of section 21 of *The Children's Mental Health Centres Act* is repealed and the following substituted therefor:

(b) providing for the remuneration and expenses of members of the Licensing Board of Review;

(ba) providing for the issuing or renewal of licences or provisional licences for centres and prescribing the terms and conditions of licences.

R.S.O. 1970,
c. 71, s. 1,
amended

21.—(1) Section 1 of *The Collection Agencies Act* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clauses:

(a) "business premises" does not include a dwelling;

.

(da) "dwelling" means any premises or any part thereof occupied as living accommodation.

R.S.O. 1970,
c. 71, ss. 6-8,
re-enacted;
ss. 9-21,
repealed

(2) Sections 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 of *The Collection Agencies Act* are repealed and the following substituted therefor:

Registration

6.—(1) An applicant is entitled to registration or renewal of registration by the Registrar except where,

(a) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of his business; or

(b) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on business in accordance with law and with integrity and honesty; or

(c) the applicant is a corporation and,

(i) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of its business, or

(ii) the past conduct of its officers or directors affords reasonable grounds for belief that its business will not be carried on in accordance with law and with integrity and honesty; or

(d)

- (d) the applicant is carrying on activities that are, or will be, if the applicant is registered, in contravention of this Act or the regulations.
- (2) A registration is subject to such terms and conditions to give effect to the purposes of this Act as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations. Conditions of registration
- 7.—(1) Subject to section 8, the Registrar may refuse to register an applicant where in the Registrar's opinion the applicant is disentitled to registration under section 6. Refusal to register
- (2) Subject to section 8, the Registrar may refuse to renew or may suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 6 if he were an applicant, or where the registrant is in breach of a term or condition of the registration. Refusal to renew, suspend or revoke
- 8.—(1) Where the Registrar proposes to refuse to grant or renew a registration or proposes to suspend or revoke a registration, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or registrant. Notice of proposal to refuse or revoke
- (2) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Tribunal, and he may so require such a hearing. Notice requiring hearing
- (3) Where an applicant or registrant does not require a hearing by the Tribunal in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1. Powers of Registrar where no hearing
- (4) Where an applicant or registrant requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Registrar. Powers of Tribunal where hearing

Conditions
of order

- (5) The Tribunal may attach such terms and conditions to its order or to the registration as it considers proper to give effect to the purposes of this Act.

Parties

- (6) The Registrar, the applicant or registrant who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.

Voluntary
cancellation

- (7) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration.

Continuation
of
registration
pending
renewal

- (8) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his registration, a registrant has applied for renewal of his registration and paid the prescribed fee, his registration shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice that the Registrar proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired and, where a hearing is required, until the Tribunal has made its order.

Order
effective,
stay
R.S.O. 1970,
c. 113

- (9) Notwithstanding that a registrant appeals from an order of the Tribunal under section 9*b* of *The Department of Financial and Commercial Affairs Act*, the order takes effect immediately but the Tribunal may grant a stay until disposition of the appeal.

R.S.O. 1970,
c. 71, s. 25,
subs. 1, cl. a,
re-enacted

- (3) Clause *a* of subsection 1 of section 25 of *The Collection Agencies Act* is repealed and the following substituted therefor:

- (a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of the person being inspected that are relevant for the purposes of the inspection; and

.

R.S.O. 1970,
c. 71, s. 26,
re-enacted

- (4) Section 26 of *The Collection Agencies Act* is repealed and the following substituted therefor:

26. The Minister may by order appoint a person to make an investigation into any matter to which this Act applies as may be specified in the Minister's order and the person appointed shall report the result of his investigation to the Minister, and for the purposes of the investigation the person making it has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under that Act.

Investigation
on order
of Minister

1971, c. 49

26a.—(1) Where, upon a statement made under oath, the Director believes on reasonable and probable grounds that any person has,

Investigation
by Director

(a) contravened any of the provisions of this Act or the regulations; or

(b) committed an offence under the *Criminal Code* (Canada) or under the law of any jurisdiction that is relevant to his fitness for registration under this Act,

1953-54,
c. 51 (Can.)

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulation or the commission of such an offence has occurred and the person appointed shall report the result of his investigation to the Director.

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may,

Powers of
investigation

(a) upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, papers, documents and things relevant to the subject-matter of the investigation; and

(b) inquire into negotiations, transactions, loans, borrowings made by or on behalf of or in relation to such person and into property, assets or things owned, acquired or alienated in whole or in part by him or any person acting on his behalf that are relevant to the subject-matter of the investigation,

and

1971, c. 49

and for the purposes of the inquiry, the person making the investigation has the powers conferred upon a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

Obstruction
of
investigator

- (3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation.

Entry and
search

- (4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are, in any building, dwelling, receptacle or place any books, papers, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night.

Removal of
books, etc.

- (5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, papers, documents or things examined under clause *a* of subsection 2 or subsection 4 relating to the person whose affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out with reasonable dispatch and the books, papers or documents in question shall be promptly thereafter returned to the person whose affairs are being investigated.

Idem

- (6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents.

- (7) The Minister or Director may appoint any expert to examine books, papers, documents or things examined under clause *a* of subsection 2 or under subsection 4.

Appointment
of expert

- 26*b*.---(1) Every person employed in the administration of this Act, including any person making an inquiry, inspection or an investigation under section 23, 24, 25, 26 or 26*a* shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except,

Matters
confidential

- (*a*) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations; or
- (*b*) to his counsel; or
- (*c*) with the consent of the person to whom the information relates.

- (2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act or the regulations.

Testimony
in civil suit

- (5) Section 27 of *The Collection Agencies Act* is amended by striking out "26" in the second line and inserting in lieu thereof "26*a*".

R.S.O. 1970,
c. 71, s. 27,
amended

- (6) Subsection 1 of section 28 of *The Collection Agencies Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 71, s. 28,
subs. 1,
re-enacted

- (1) Where,

Order to
refrain from
dealing
with assets

- (*a*) an investigation of any person has been ordered under section 26*a*; or
- (*b*) criminal proceedings or proceedings in relation to a contravention of any Act or regulation are about to be or have been instituted against a person that are connected with or arise out of the business in respect of which such person is registered,

the

the Director, if he believes it advisable for the protection of clients or customers of the person referred to in clause *a* or *b*, may in writing or by telegram direct any person having on deposit or under control or for safekeeping any assets or trust funds of the person referred to in clause *a* or *b* to hold such assets or trust funds or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such assets or trust funds from any person having any of them on deposit or under control or for safekeeping or to hold such assets or any trust funds of clients, customers or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act*, *The Business Corporations Act* or the *Winding-up Act* (Canada), or until the Director revokes or the Tribunal cancels such direction or consents to the release of any particular assets or trust funds from the direction but, in the case of a bank, loan or trust company, the direction only applies to the office, branches or agencies thereof named in the direction.

R.S.O. 1970,
cc. 228, 89, 53
R.S.C. 1952,
cc. 14, 296

R.S.O. 1970,
c. 71, s. 28,
amended

(7) The said section 28 is amended by adding thereto the following subsection:

Cancellation
of direction
or
registration

- (5) Any person referred to in clause *a* or *b* of subsection 1 in respect of whom a direction has been given by the Director under subsection 1 or any person having an interest in land in respect of which a notice has been registered under subsection 4, may at any time apply to the Tribunal for cancellation in whole or in part of the direction or registration, and the Tribunal shall dispose of the application after a hearing and may, if it finds that such a direction or registration is not required in whole or in part for the protection of clients or customers of the applicant or of other persons interested in the land or that the interests of other persons are unduly prejudiced thereby, cancel the direction or registration in whole or in part, and the applicant, the Director and such other persons as the Tribunal may specify are parties to the proceedings before the Tribunal.

R.S.O. 1970,
c. 71, s. 30,
subs. 1,
amended

(8) Subsection 1 of section 30 of *The Collection Agencies Act* is amended by inserting after "other" in the fourth line "similar".

R.S.O. 1970,
c. 71, s. 30,
subs. 2,
re-enacted

(9) Subsection 2 of section 30 of *The Collection Agencies Act* is repealed and the following substituted therefor:

- (2) Where the Registrar believes on reasonable and probable grounds that any of the material referred to in subsection 1 is harsh, false, misleading or deceptive, the Registrar may alter, amend, restrict or prohibit the use of such material, and section 8 applies *mutatis mutandis* to the order in the same manner as to a proposal by the Registrar to refuse registration and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final. False
advertising

(10) Section 34 of *The Collection Agencies Act* is repealed and the following substituted therefor: R.S.O. 1970,
c. 71, s. 34,
re-enacted

34. Where the Registrar believes on reasonable and probable grounds that a collection agency is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material, and section 8 applies *mutatis mutandis* to the order in the same manner as to a proposal by the Registrar to refuse registration and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final. False
advertising

(11) Subsection 2 of section 35 of *The Collection Agencies Act* is repealed and the following substituted therefor: R.S.O. 1970,
c. 71, s. 35,
subs. 2,
re-enacted

- (2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date. When
service
deemed
made

(12) Clause *d* of section 38 of *The Collection Agencies Act* is amended by striking out "or to any such person, document or material" in the second and third lines. R.S.O. 1970,
c. 71, s. 38, cl. d,
amended

22.—(1) Section 16 of *The Construction Safety Act* is repealed and the following substituted therefor: R.S.O. 1970,
c. 81, s. 16,
re-enacted

- 16.—(1) Where an inspector is of opinion that any provision of this Act or the regulations is being contravened, he may give such order in writing to such person or persons as is necessary to ensure compliance with such provision and such order shall specify that Order
of inspector

it shall be carried out forthwith or before the expiry of such period as is specified therein and,

- (a) where the order specifies that it be carried out forthwith, all work on the project or the part thereof specified in the order, other than such work as is necessary to carry out the order with safety, shall stop until the order is complied with; or
- (b) where the order specifies the period within which it is to be carried out and it is not carried out within that period, all work on the project or the part thereof specified in the order, other than such work as is necessary to carry out the order with safety, shall stop until the order is complied with.

Appeal

- (2) Any person who considers himself aggrieved by an order of an inspector made under subsection 1 may appeal to the chief officer who shall hear and dispose of the appeal as promptly as is practicable but the bringing of such appeal does not affect the operation of the order appealed from pending disposition of the appeal.

Powers of
chief
officer

- (3) After hearing an appeal under this section, the chief officer may substitute his opinion for that of the inspector and,
 - (a) if he is of opinion that no provision of this Act or the regulations is being contravened, may rescind the order of the inspector; or
 - (b) if he is of opinion that any provision of this Act or the regulations is being contravened,
 - (i) may affirm the order of the inspector, or
 - (ii) may give a new order to the appellant in substitution therefor and for such purpose the chief officer has the powers of an inspector under subsection 1 and clauses *a* and *b* of subsection 1 apply to the order of the chief officer as if it were an order of an inspector under subsection 1.

- (4) Where an order is given by an inspector or the chief officer under subsection 1 or 3, a copy thereof may be affixed to the project or any part thereof, and no person, except the inspector or the chief officer, shall remove such copy unless authorized by the inspector or chief officer. Affixing a copy of order to project

- (5) Every person to whom an order is given under this Act shall comply with it in accordance with its terms. Compliance with order

(2) *The Construction Safety Act* is amended by adding thereto the following sections: R.S.O. 1970, c. 81, amended

16a.—(1) Any person who considers himself aggrieved by a decision of an inspector under this Act or the regulations, other than an order under section 16, may appeal to the chief officer who shall hear and dispose of the appeal. Appeals from decisions of inspector

- (2) On an appeal under this section, the chief officer may substitute his findings or opinions for those of the inspector who made the decision appealed from and may affirm or reverse such decision or make a new decision in substitution therefor and for such purpose has all the powers of the inspector and the decision of the chief officer shall stand in the place of and have like effect under this Act and the regulations as the decision of the inspector. Powers of chief officer

16b.—(1) An appeal under section 16 or 16a may be made in writing or orally or by telephone, but the chief officer may require the grounds for appeal to be specified in writing before the hearing. How appeal made

- (2) The appellant, the inspector from whom the appeal is taken and such other persons as the chief officer may specify are parties to an appeal under section 16 or 16a. Parties

(3) Subsection 2 of section 25 of *The Construction Safety Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 81, s. 25, subs. 2, re-enacted

- (2) Every person to whom an order of an inspector or of the chief officer is given under section 16, Penalty

(a) who contravenes or who knowingly permits any person under his direction and control to contravene such order; or

(b)

- (b) who carries on work or knowingly permits any person under his direction or control to carry on work in contravention of subsection 1 or 3 of section 16,

is guilty of an offence and on summary conviction, in addition to the penalties mentioned in subsection 1, is liable to a fine of not more than \$100 a day for every day upon which the offence continued.

R.S.O. 1970,
c. 82, s. 1,
amended

23.—(1) Section 1 of *The Consumer Protection Act* is amended by adding thereto the following clauses:

- (ba) “business premises” does not include a dwelling;

.

- (ga) “dwelling” means any premises or any part thereof occupied as living accommodation.

R.S.O. 1970,
c. 82, ss. 5-7,
re-enacted;
ss. 8-14,
repealed

(2) Sections 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of *The Consumer Protection Act* are repealed and the following substituted therefor:

Registration

5.—(1) An applicant is entitled to registration or renewal of registration by the Registrar except where,

- (a) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of his business; or
- (b) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on business in accordance with law and with integrity and honesty; or
- (c) the applicant is a corporation and,
- (i) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of its business, or

(ii)

- (ii) the past conduct of its officers or directors affords reasonable grounds for belief that its business will not be carried on in accordance with law and with integrity and honesty; or
 - (d) the applicant is carrying on activities that are, or will be, if the applicant is registered, in contravention of this Act or the regulations.
- (2) A registration is subject to such terms and conditions to give effect to the purposes of this Act as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations. Conditions of registration
- 6.—(1) Subject to section 7, the Registrar may refuse to register an applicant where in the Registrar's opinion the applicant is disentitled to registration under section 5. Refusal to register
- (2) Subject to section 7, the Registrar may refuse to renew or may suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 5 if he were an applicant, or where the registrant is in breach of a term or condition of the registration. Refusal to renew, suspend or revoke
- 7.—(1) Where the Registrar proposes to refuse to grant or renew a registration or proposes to suspend or revoke a registration, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or registrant. Notice of proposal to refuse or revoke
- (2) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Tribunal, and he may so require such a hearing. Notice requiring hearing
- (3) Where an applicant or registrant does not require a hearing by the Tribunal in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1. Powers of Registrar where no hearing
- (4) Where an applicant or registrant requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar Powers of Tribunal where hearing

to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Registrar.

Conditions
of order

- (5) The Tribunal may attach such terms and conditions to its order or to the registration as it considers proper to give effect to the purposes of this Act.

Parties

- (6) The Registrar, the applicant or registrant who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.

Voluntary
cancellation

- (7) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration.

Continuation
of
registration
pending
renewal

- (8) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his registration, a registrant has applied for renewal of his registration and paid the prescribed fee, his registration shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice that the Registrar proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired and, where a hearing is required, until the Tribunal has made its order.

Order
effective,
stay

R.S.O. 1970,
c. 113

- (9) Notwithstanding that a registrant appeals from an order of the Tribunal under section 9b of *The Department of Financial and Commercial Affairs Act*, the order takes effect immediately but the Tribunal may grant a stay until disposition of the appeal.

R.S.O. 1970,
c. 82, ss. 15-20,
repealed

- (3) Sections 15, 16, 17, 18, 19 and 20 of *The Consumer Protection Act* are repealed.

R.S.O. 1970,
c. 82, s. 24,
subs. 1, cl. a,
re-enacted

- (4) Clause a of subsection 1 of section 24 of *The Consumer Protection Act* is repealed and the following substituted therefor:

(a)

- (a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of the person being inspected that are relevant for the purposes of the inspection; and

(5) Subsection 2 of section 27 of *The Consumer Protection Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 82, s. 27,
subs. 2,
re-enacted

- (2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

When
service
deemed
made

(6) Clause *d* of subsection 2 of section 29 of *The Consumer Protection Act* is amended by striking out "or to any such person, document or material" in the second and third lines.

R.S.O. 1970,
c. 82, s. 29,
subs. 2, cl. *d*,
amended

(7) Part I of *The Consumer Protection Act* is amended by adding thereto the following section:

R.S.O. 1970,
Part I,
amended

29a.—(1) Each person employed in the administration of this Act, including any person making an inspection under section 22, 23 or 24 shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment or inspection and shall not communicate any such matters to any other person except,

Matters
confidential

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations; or
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

Testimony
in civil suit

- (2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act or the regulations.

R.S.O. 1970,
c. 82, s. 47,
re-enacted

- (8) Section 47 of *The Consumer Protection Act* is repealed and the following substituted therefor:

False
advertising

47. Where the Registrar believes on reasonable and probable grounds that a seller or lender is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material and section 7 applies *mutatis mutandis* to the order in the same manner as to a proposal by the Registrar to refuse registration and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final.

R.S.O. 1970,
c. 82, s. 49,
cl. p,
repealed

- (9) Clause *p* of section 49 of *The Consumer Protection Act* is repealed.

R.S.O. 1970,
c. 86, s. 11,
subs. 1,
re-enacted

- 24.** Subsection 1 of section 11 of *The Co-operative Loans Act* is repealed and the following substituted therefor:

Inspection of
books, etc.

- (1) The Treasurer may appoint a person to inspect the books, accounts and property and to inquire into the affairs of any co-operative association that has a loan under this Act and a person so appointed has for the purpose of the inspection and inquiry the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to the inspection or inquiry as if it were an inquiry under that Act.

1971, c. 49

R.S.O. 1970,
c. 104, s. 1, cl. b.,
re-enacted

- 25.—**(1) Clause *b* of section 1 of *The Day Nurseries Act*, is repealed and the following substituted therefor:

- (b) "Board" means the Day Nursery Review Board established under section 5.

R.S.O. 1970,
c. 104, ss. 5-14,
re-enacted

- (2) Sections 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of *The Day Nurseries Act* are repealed and the following substituted therefor:

- 5.—(1) The Lieutenant Governor in Council may appoint a board consisting of not more than five members to be known as the Day Nursery Review Board and may designate one member of the Board as chairman. ^{Day Nursery Review Board, appointment}
- (2) Three members of the Board constitute a quorum. ^{Quorum}
- (3) The members of the Board shall be paid such remuneration and expenses as the Lieutenant Governor in Council may from time to time determine. ^{Remuneration}
- 6.—(1) No person shall operate a day nursery without a licence therefor issued by the Director and the Director may prescribe in the licence reasonable terms and conditions to the operation of the day nursery. ^{Licence required}
- (2) Subject to section 7, any person who applies in accordance with this Act and the regulations for a licence to operate a day nursery and pays the prescribed fee is entitled to be issued a licence by the Director subject to reasonable terms and conditions. ^{Issue}
- (3) Subject to section 8, a licensee who makes application in accordance with this Act and the regulations for renewal of his licence and pays the prescribed fee is entitled to a renewal of his licence by the Director. ^{Renewal}
7. Subject to section 10, the Director may refuse to issue a licence if in his opinion, ^{Refusal to issue}
- (a) the applicant, or where the applicant is a corporation, its officers or directors, is or are not competent to operate a day nursery in a responsible manner in accordance with this Act and the regulations;
 - (b) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the day nursery will not be operated in accordance with this Act and the regulations; or
 - (c) the building or accommodation in which it is proposed to operate the day nursery does not comply with the requirements of this Act and the regulations.

Refusal to
renew or
revocation

8. Subject to section 10, the Director may refuse to renew or may revoke a licence if in his opinion,

(a) the licensee or, where the licensee is a corporation, any officer, director or servant thereof, has contravened or has knowingly permitted any person under his control or direction or associated with him in the operation of the day nursery to contravene,

(i) any provision of this Act or the regulations or of any other Act or the regulations thereunder applying to the carrying on of the day nursery; or

(ii) any term or condition of the licence,

and such contravention occurred through lack of competence or with intent to evade the requirements of such provision or term or condition;

(b) the building or accommodation in which the day nursery is operated does not comply with the requirements of this Act and the regulations; or

(c) the day nursery is operated in a manner that is prejudicial to the safety or welfare of the children cared for therein.

Review
of terms
of licence
by Board

9.—(1) Where the Director issues a licence and the licensee is dissatisfied with the terms and conditions thereof prescribed by the Director, the licensee may by written notice given to the Director and the Board require a hearing by the Board and the Board shall appoint a time for and hold a hearing.

Decision
of Board

(2) Pursuant to a hearing under subsection 1, the Board may affirm the terms and conditions prescribed for the licence by the Director or may cancel such terms and conditions or may prescribe such other terms and conditions for the licence in the place of those prescribed by the Director as it considers proper, and terms and conditions so prescribed shall be terms and conditions of the licence.

Notice of
proposal
to refuse
to issue or
to revoke

10.—(1) Where the Director proposes to refuse to issue or renew or to revoke a licence under this Act, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or licensee.

(2)

- (2) A notice under subsection 1 shall inform the applicant or licensee that he is entitled to a hearing by the Board if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Director and the Board, and he may so require such a hearing. Notice requiring hearing
- (3) Where an applicant or licensee does not require a hearing by the Board in accordance with subsection 2, the Director may carry out the proposal stated in his notice under subsection 1. Powers of Director where no hearing
- (4) Where an applicant or licensee requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time for and hold the hearing and, on the application of the Director at the hearing, may by order direct the Director to carry out his proposal or refrain from carrying out his proposal and to take such action as the Board considers the Director ought to take in accordance with this Act and the regulations, and for such purposes the Board may substitute its opinion for that of the Director. Powers of Board where hearing
- 11.—(1) Service of a notice under section 10 may be made personally or by registered mail addressed to the applicant or licensee at his address last known to the Director and, where the notice is served by registered mail, it shall be deemed that the notice was served on the third day after the day of mailing unless the applicant or licensee establishes to the Board that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive it until a later date. Service of notice
- (2) The Board may extend the time for requiring a hearing under section 10, either before or after expiration of the time fixed therein, where it is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension and may give such directions as it considers proper consequent upon the extension. Extension of time for requiring hearing
- (3) Subject to section 14, where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue, Continuation of licence pending renewal

(a) until the renewal is granted; or

(b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for requiring a hearing has expired and, where a hearing is required, until the Board has made its decision.

Parties

12.—(1) The Director, the applicant or licensee who has applied for the hearing and such other persons as are specified by the Board are parties to proceedings before a Board under this Act.

Members
at hearing
not to have
taken part in
investigation,
etc.

(2) A member of the Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Notice
of hearing

(3) Notice of a hearing under section 10 shall afford to the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the renewal or retention of the licence.

Examination
of
documentary
evidence

(4) An applicant or licensee who is a party to proceedings under section 9 or 10 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced, or any report the contents of which will be given in evidence at the hearing.

Recording of
evidence

(5) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings
of fact

(6) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

- (7) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision. Only members at hearing to participate in decision

- 13.—(1) Any party to the proceedings before the Board may appeal from its decision or order to the Supreme Court in accordance with the rules of court. Appeal

- (2) Where notice of an appeal is served under this section, the Board shall forthwith file with the Registrar of the Supreme Court the record of the proceedings before it in which the decision or order appealed from was made, which, together with the transcript of evidence before the Board if it is not part of the Board's record, shall constitute the record in the appeal. Record to be filed in court

- (3) The Minister is entitled to be heard, by counsel or otherwise, on the argument of an appeal under this section. Minister entitled to be heard

- (4) The Supreme Court may affirm the decision of the Board appealed from or may rescind it and make such new decision as the court considers proper and, for such purpose, the court may exercise all the powers of the Board after a hearing before it and may substitute its opinion for that of the Board. Powers of court

14. Notwithstanding section 10, the Director, by notice to a licensee and without a hearing, may provisionally refuse renewal of or suspend the licensee's licence where the operation of the day nursery under the licence is, in the Director's opinion, an immediate threat to the safety or welfare of the children cared for therein and the Director so states in such notice giving his reasons therefor, and thereafter the provisions of section 10 apply as if the notice given under this section were a notice of a proposal to revoke the licence under subsection 1 of section 10. Provisional suspension, etc.

- (3) Clause *h* of section 16 of *The Day Nurseries Act* is repealed. R.S.O. 1970, c. 104, s. 16, cl. h, repealed

R.S.O. 1970,
c. 105, s. 1,
amended

26.—(1) Section 1 of *The Dead Animal Disposal Act* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clauses:

(a) “Board” means the Dead Animal Disposal Licence Review Board established by this Act;

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(ea) “licence” means a licence under this Act.

R.S.O. 1970,
c. 105, s. 5,
subss. 2, 3,
repealed

(2) Subsections 2 and 3 of section 5 of *The Dead Animal Disposal Act* are repealed.

R.S.O. 1970,
c. 105,
amended

(3) *The Dead Animal Disposal Act* is amended by adding thereto the following sections:

Licence,
issue

5a.—(1) The Director shall issue a licence to a person who makes application therefor in accordance with this Act and the regulations and pays the prescribed fee unless, after a hearing, he is of opinion that,

- (a) the applicant or, where the applicant is a corporation, its officers or directors, is or are not competent to carry on the business that would be authorized by the licence;
- (b) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the business that would be authorized by the licence will not be carried on in accordance with law;
- (c) the applicant does not possess or will not have available all premises, facilities and equipment necessary to carry on the business authorized by the licence in accordance with this Act and the regulations; or
- (d) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations.

Renewal

(2) Subject to section 5b, the Director shall renew a licence on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee.

5b.

5b.—(1) The Director may refuse to renew or may suspend or revoke a licence if, after a hearing, he is of opinion that, ^{Refusal to renew, suspension or cancellation}

- (a) the premises, facilities and equipment used in the business carried on pursuant to the licence do not comply with this Act and the regulations;
- (b) the licensee or, where the licensee is a corporation, any officer, director or servant thereof has contravened or has permitted any person under his control or direction in connection with the business carried on pursuant to the licence to contravene any provision of this Act or the regulations or of any other Act or the regulations thereunder or of any law applying to the carrying on of such business or the conditions for licencing and such contravention warrants such refusal to renew, suspension or revocation of the licence; or
- (c) any other ground for refusal to renew, suspension or revocation specified in the regulations exists.

(2) Notwithstanding subsection 1, the Director, by notice ^{Provisional suspension, etc.} to a licensee and without a hearing, may provisionally refuse to renew or suspend the licensee's licence where in the Director's opinion it is necessary to do so for the immediate protection of the safety or health of any person or of the public and the Director so states in such notice giving his reasons therefor, and thereafter the Director shall hold a hearing to determine whether renewal of the licence should be refused or whether the licence should be further suspended or revoked under this Act and the regulations.

(3) Subject to subsection 2, where, within the time ^{Continuation of licence pending renewal} prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and has paid the prescribed fee and observed or carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the Director on his application for renewal.

5c.—(1) The notice of a hearing by the Director under section 5a or 5b shall afford to the applicant or licensee a reasonable opportunity to show or to

achieve

achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

Examination
of docu-
mentary
evidence

- (2) An applicant or licensee who is a party to proceedings in which the Director holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Variation
of decision
by Director

- 5d. Where the Director has refused to issue or renew or has suspended or revoked a licence pursuant to a hearing he may, at any time of his own motion or on the application of the person who was the applicant or licensee, vary or rescind his decision, but the Director shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and the regulations.

Review
Board
established

- 5e.—(1) A board to be known as the “Dead Animal Disposal Licence Review Board” is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council none of whom are members of the public service in the employ of the Department of Agriculture and Food, and who shall, subject to subsection 2, hold office during pleasure.

Term
of office

- (2) A member of the Board shall hold office for not more than five consecutive years.

Chairman

- (3) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman.

Quorum

- (4) A majority of the members of the Board constitutes a quorum.

Remunera-
tion

- (5) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine.

Appeal to
Board

- 5f.—(1) Where the Director refuses to issue or renew or suspends or revokes a licence, the applicant or licensee may by written notice delivered to the Director and filed with the Board within fifteen days after receipt of the decision of the Director appeal to the Board.

- (2) The Board may extend the time for the giving of notice by an applicant or licensee under subsection 1, either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension. Extension of time for appeal
- (3) Where an applicant or licensee appeals to the Board under this section, the Board shall hear the appeal by way of a hearing *de novo* to determine whether the licence should be issued, renewed, suspended or revoked and may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act he is authorized to do under this Act and as the Board considers proper and, for such purpose, the Board may substitute its opinion for that of the Director. Disposal of appeal
- (4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Director, unless the Director otherwise directs, the decision of the Director is effective until the appeal is disposed of. Effect of decision pending disposal of appeal
- 5g.—(1) The Director, the appellant and such other persons as the Board may specify are parties to the proceedings before the Board under this Act. Parties
- (2) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law. Members making decision not to have taken part in investigation, etc.
- (3) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence
- (4) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence ad- Findings of fact

- missible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.
- 1971, c. 47
- Only members at hearing to participate in decision
- (5) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all persons so present participate in the decision.
- Appeal to court
- 5*h*.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Supreme Court in accordance with the rules of court.
- Minister entitled to be heard
- (2) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section.
- Record to be filed in court
- (3) The chairman of the Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board, if it is not part of the Board's record, shall constitute the record in the appeal.
- Powers of court on appeal
- (4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Board or direct the Director to do any act he is authorized to do under this Act or may refer the matter back to the Board for reconsideration by the Board as the court considers proper and the court may substitute its opinion for that of the Director or the Board.
- Effect of decision of Board pending disposal of appeal
- (5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of.
- R.S.O. 1970, c. 105, s. 8, subs. 3, amended
- (4) Subsection 3 of section 8 of *The Dead Animal Disposal Act* is amended by adding at the commencement thereof "Subject to subsection 4".
- R.S.O. 1970, c. 105, s. 8, amended
- (5) The said section 8 is amended by adding thereto the following subsection:

- (4) Except under the authority of a warrant under section 16 of *The Summary Convictions Act*, the Director or an inspector shall not enter any part of a dwelling without the consent of the occupant. Power to enter dwelling
R.S.O. 1970, c. 450

27. *The Department of Correctional Services Act* is amended by adding thereto the following section: R.S.O. 1970, c. 110, amended

34. *The Statutory Powers Procedure Act, 1971* does not apply to proceedings for the discipline of inmates in correctional institutions or to their transfer under section 10 or for the authorization under section 18 or 19 of temporary absences of inmates or to proceedings of the Board notwithstanding anything in that Act. Application of 1971, c. 47

28. *The Department of Financial and Commercial Affairs Act* is amended by adding thereto the following sections: R.S.O. 1970, c. 113, amended

- 9a.—(1) This section applies to proceedings before the Tribunal. Application of section

- (2) Members of the Tribunal holding a hearing shall not have taken part in any investigation or consideration of the subject-matter of the hearing before the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Tribunal may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law. Members holding hearing not to have taken part in investigation, etc.

- (3) Where a hearing by the Tribunal is required, Notice of hearing

- (a) notice of the hearing shall afford to the person requiring the hearing a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements concerning the subject-matter of the hearing; and

- (b) the person requiring the hearing shall be afforded an opportunity to examine before the

hearing

hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Recording
of evidence

- (4) The oral evidence taken before the Tribunal at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the payment of such fees therefor as the Lieutenant Governor in Council may prescribe by regulation.

Findings
of fact

- (5) The findings of fact of the Tribunal pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. 47

Only
members at
hearing to
participate
in decision

- (6) No member of the Tribunal shall participate in a decision of the Tribunal pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Tribunal shall be given unless all members so present participate in the decision.

Extension of
time for
giving notice

- (7) Notwithstanding any limitation of time for the giving of any notice requiring a hearing by the Tribunal fixed by or under any Act, and where it is satisfied that there are *prima facie* grounds for granting relief and that there are reasonable grounds for applying for the extension, the Tribunal may extend the time for giving the notice either before or after expiration of the time so limited, and may give such directions as it considers proper consequent upon such extension.

Appeal
from
decision
of Tribunal

- 9b.—(1) Any party to proceedings before the Tribunal may appeal from its decision or order to the Supreme Court in accordance with the rules of court.

Record to be
filed in court

- (2) Where any party appeals from a decision of the Tribunal, the Tribunal shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of the evidence if it is not part of the Tribunal's record, shall constitute the record in the appeal.

- (3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section. Minister entitled to be heard
- (4) An appeal under this section may be made on questions of law or fact or both and the court may exercise all the powers of the Tribunal, and for such purpose the court may substitute its opinion for that of the Registrar or of the Tribunal, or the court may refer the matter back to the Tribunal for rehearing, in whole or in part, in accordance with such directions as the court considers proper. Powers of court on appeal

29.—(1) Subsection 2 of section 9 of *The Department of Labour Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 117, s. 9, subs. 2, re-enacted

- (2) For the purpose of procuring such information or for the purpose of assisting the Department in carrying out any of the provisions of section 6, the Minister may authorize the Board or any members of the Board to conduct a public inquiry and the Board and the member or members thereof acting under such authority have, for the purpose of conducting such public inquiry, the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such public inquiry as if it were an inquiry under that Act. Public inquiries by Board 1971, c. 49

(2) Section 12 of *The Department of Labour Act* is amended by adding thereto the following subsections: R.S.O. 1970, c. 117, s. 12, amended

- (3) Any person who considers himself aggrieved by an order made by an inspector under this section may appeal to the chief inspector or chief officer having supervision over the inspector or, if there is no such chief inspector or chief officer, to the Deputy Minister who shall designate a person to hear and determine the appeal. Appeal
- (4) A chief inspector or chief officer to whom an appeal is made under this section or the person designated under subsection 3 to hear an appeal shall hear and dispose of the appeal as promptly as is practicable, but the bringing of such appeal does not affect the operation of the order appealed from pending disposition of the appeal. Hearing

How appeal
made

- (5) An appeal under this section may be made in writing or orally or by telephone, but the person to whom the appeal is made may require the grounds for appeal to be specified in writing before the hearing.

Parties

- (6) The appellant, the inspector from whom the appeal is taken and such other persons as the person to whom the appeal is made may specify are parties to an appeal under this section.

Powers of
person
hearing
appeal

- (7) The person hearing an appeal under this section may substitute his findings or opinions for those of the inspector who made the order appealed from and may affirm or rescind the order or make a new order in substitution therefor and has all the powers of the inspector for such purpose and the decision or order on the appeal shall stand in the place of and have a like effect under this Act and the regulations as the decision or order of the inspector.

R.S.O. 1970,
c. 120, s. 7,
re-enacted

30. Section 7 of *The Department of Social and Family Services Act* is repealed and the following substituted therefor:

Regulations
governing
occupation
and
operation of
institutions

- 7.—(1) Where any institution or organization is operated or managed for charitable objects or purposes and where,

- (a) the persons operating and managing the institution so request; or
- (b) the institution or organization procures funds for its operation from the public and the Lieutenant Governor in Council considers it necessary to ensure proper application of such funds; or
- (c) any approval, licence or registration for the operation of the institution or organization required by any Act administered by the Minister, has been refused or revoked; or
- (d) the Lieutenant Governor in Council considers it necessary in the best interests of those residing in or relying on the services of such institution or organization and for their immediate protection,

the Lieutenant Governor in Council may make regulations,

(e)

- (e) designating such institution or organization to be subject to the control of the Minister;
 - (f) governing the operation and activities of any institution or organization designated under clause *e* and the procuring of funds from the public and the application thereof by such institution or organization;
 - (g) authorizing the Minister to operate and manage any such institution or organization designated under clause *e* and for that purpose, notwithstanding sections 25 and 40 of *The Expropriations Act*, authorizing the Minister to immediately occupy and operate, or arrange for the occupation and operation by a person or organization designated by him, any premises occupied or used by such institution or organization, but the rights of the owner under that Act, except the right to possession, shall not be affected thereby. R.S.O. 1970,
c. 154
- (2) Where the Minister has been authorized under this section to occupy any premises, if the persons in occupation refuse to permit the Minister or persons authorized by him for that purpose to enter upon and occupy the premises or resist such entry, the Minister may apply *ex parte* to a judge of the county or district court of the county or district in which the premises are situate for a warrant directing the sheriff to put the Minister or persons authorized by him in occupation of the premises and the judge, upon being satisfied that the Minister is so authorized to occupy the premises and of such refusal or resistance, may issue such warrant and the sheriff shall forthwith execute the warrant and make a return to the judge of the execution thereof. Warrant for
entry and
occupation
- (3) Except with the consent of the person operating and managing an institution, the Minister shall not occupy and operate or arrange for the occupation and operation of the premises of an institution under subsection 1 for a period longer than a year, but the Lieutenant Governor in Council may from time to time extend such period. Period of
occupation

31.—(1) Section 1 of *The Department of Tourism and Information Act* is amended by adding thereto the following clauses: R.S.O. 1970,
c. 122, s. 1,
amended

(ba)

(ba) "licence issuer" means the tourist industry officer of the Department of Tourism and Information or other official of the Department designated as such by the Minister;

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(da) "operator" means the resident manager or other person in charge of a tourist establishment.

R.S.O. 1970,
c. 122, s. 5,
re-enacted

(2) Section 5 of *The Department of Tourism and Information Act* is repealed and the following substituted therefor:

Investiga-
tions

5. The Minister may by order appoint one or more persons to investigate, inquire into and report to him upon any matter connected with or affecting the tourist industry, including accommodation, facilities, or services offered to tourists or the advertising or publicizing thereof, or of the resources, attractions or advantages of Ontario, and, for the purposes of the investigation and inquiry, any person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to the investigation as if it were an inquiry under that Act.

1971, c. 49

R.S.O. 1970,
c. 122, s. 6,
re-enacted

(3) Section 6 of *The Department of Tourism and Information Act* is repealed and the following substituted therefor:

Construction
permit
required

6.—(1) No person shall construct a tourist establishment or make an addition to or a structural alteration in a tourist establishment except in accordance with a permit therefor in the prescribed form issued under this Act.

Issue of
permit

(2) Subject to subsection 3, a person is entitled to be issued a permit for the construction of, or the making of additions to or structural alterations in, a tourist establishment upon filing with the proper licence issuer,

(a) an application therefor in the prescribed form; and

(b) plans and specifications of the proposed tourist establishment showing that the establishment as constructed, added to or altered will comply with the requirements of this Act and the regulations and of any other law, regulation or by-law applicable to the establishment.

- (3) A licence issuer may, after hearing the applicant, ^{Refusal of permit} refuse to issue a permit under this section if the plans and specifications for the tourist establishment or for additions to or alterations in a tourist establishment do not comply with clause *b* of subsection 2.
- (4) A permit under this section expires one year after ^{Expiry of permit} the date it was issued.
- (5) No holder of a permit shall construct a tourist ^{Plans and specifications} establishment or make an addition to or structural alteration in a tourist establishment except in accordance with the plans and specifications in relation to which the permit was granted.
- 6a.—(1) No person shall operate a tourist establish- ^{Operator's licence required} ment except in accordance with a licence in the prescribed form issued therefor under this Act.
- (2) Subject to section 6*b*, a person is entitled to be ^{Issue of licence} issued a licence to operate a tourist establishment upon application therefor in the prescribed form to the proper licence issuer, accompanied by such information as may be prescribed by the regulations, and payment of the prescribed fee.
- (3) A licence issued under this section, ^{Term of licence}
- (a) becomes effective on the first day of April of the year in which it is issued or the date on which it is issued, whichever is the later; and
- (b) expires on the 31st day of March next following unless sooner suspended or cancelled.
- 6*b*.—(1) A licence issuer may, after a hearing, refuse ^{Refusal of licence} to issue a licence to operate a tourist establishment if,
- (a) the tourist establishment does not comply with the requirements of this Act or the regulations or any other law, regulation or by-law applicable to the establishment;
- (b) a licence to operate a tourist establishment was previously issued to the applicant and such licence is suspended or such licence was cancelled and the grounds for such cancellation continue to exist; or
- (c)

- (c) the owner, lessee or operator of the establishment has been convicted of any offence for conduct that affords reasonable grounds for believing that the tourist establishment will not be operated in accordance with law and with honesty and integrity.

Transmission
of report, etc.,
to Minister
and applicant

- (2) Within forty-eight hours after a refusal to issue a licence, the licence issuer shall transmit,

- (a) to the Minister, the application and a report setting forth the reasons for the refusal; and
- (b) to the applicant by registered mail, a copy of the report and a notification that a refund has been authorized and will be issued from the office of the Treasurer of Ontario in due course.

Renewal
of licence

- 6c.—(1) Subject to section 6*d*, the holder of a licence to operate a tourist establishment is entitled to a renewal thereof upon application therefor in the prescribed form to the proper licence issuer and payment of the prescribed fee.

Application

- (2) Application for renewal of a licence to operate a tourist establishment shall be made,
 - (a) where the establishment is operated throughout the year, before expiry of the current licence; or
 - (b) where the establishment is operated for only part of the year, before the 15th day of May in each year.

Continuation
of registra-
tion pending
renewal

- (3) Where, within the time prescribed therefor or, if no time is prescribed, prior to the expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue,
 - (a) until the renewal is granted; or
 - (b) where he is served with notice of a hearing by the licence issuer, until the decision of the licence issuer has become final.

Suspension,
etc., of
licence

- 6*d*.—(1) A licence issuer may, after a hearing, refuse to renew or suspend or cancel a licence to operate a tourist establishment if,

(a)

- (a) the tourist establishment does not comply with the requirements of this Act or the regulations or of any other law, regulation or by-law applicable to the establishment;
- (b) the owner, lessee or operator of the establishment,
 - (i) has contravened any provision of this Act or the regulations, or
 - (ii) has been convicted of any offence for conduct that affords reasonable grounds for believing that the tourist establishment will not be operated in accordance with law or with honesty and integrity; or
- (c) the establishment, or any part thereof, is declared a public place under subsection 2 of section 32 of *The Liquor Control Act*,

R.S.O. 1970,
c. 249

notwithstanding that the grounds for refusal, suspension or cancellation existed at the time the licence was issued.

- (2) A notice of a hearing under subsection 1 relating to a refusal to renew or the suspension or cancellation of a licence shall be served personally or by registered mail on the licensee and shall afford to him a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the retention of the licence. Notice of hearing
- (3) A licence issuer shall afford to an applicant or licensee who will be affected by a decision pursuant to a hearing by the licence issuer, or to his representative, an opportunity to examine, before the hearing, any written or documentary evidence that will be introduced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence

- 6e. Where a licensed tourist establishment is sold or legal ownership thereof passes, the purchaser or other person to whom the legal ownership has passed is entitled to obtain a transfer of the licence from the proper licence issuer upon application therefor in the prescribed form and payment of the prescribed fee if he would have been entitled to be issued the licence if he were making an initial application

therefor

therefor and surrenders the existing licence, and the provisions of section 6b apply to his application.

Appeal to
judge

6f.—(1) Where a licence issuer has,

- (a) refused to issue or renew a licence;
- (b) suspended or cancelled a licence; or
- (c) refused to transfer a licence,

the owner, lessee or operator of the tourist establishment to which the licence relates may, within fifteen days after receipt of the decision of the licence issuer, appeal to the judge of the county or district court of the county or district in which the tourist establishment is situate by sending a notice of appeal specifying the grounds of his appeal by registered mail to the Deputy Minister of Tourism and Information and filing a copy thereof in the office of the clerk of the court.

Parties

(2) The Minister represented by such person as he may nominate and the person filing the notice of appeal are parties to an appeal under this section.

Hearing
de novo

(3) Where an appeal is brought under this section, the judge shall appoint a time and a place for and shall hear the appeal by way of a hearing *de novo* and may by order direct the licence issuer to take such action as the judge considers the licence issuer ought to take in accordance with this Act and the regulations and as the judge deems proper.

Burden of
establishing
grounds for
refusal, etc.

(4) Where the appeal is from a decision of a licence issuer refusing to renew or transfer or suspending or cancelling a licence, the Minister or his representative shall, on the hearing of the appeal, be deemed to be the complainant, and the burden of establishing the grounds for the refusal to renew or transfer or the suspension or cancellation shall be upon him, and the appellant shall be deemed to be the respondent.

Extension of
time for
hearing

(5) A judge to whom an appeal may be taken under this section may extend the time for making the appeal, either before or after expiration of the time fixed therefor, where he is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension and may give such directions as he considers proper consequent upon the extension.

(6) The oral evidence taken before the judge on an appeal shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the county court. Recording of evidence

(7) The findings of fact of a judge on an appeal shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact
1971, c. 47

6g.—(1) Any party to proceedings before a judge under section 6f may appeal from the decision or order of the judge to the Supreme Court in accordance with the rules of court. Appeal from order of judge

(2) Where notice of an appeal is served under this section, the judge shall forthwith file in the Supreme Court the record of the proceedings before him in which the decision or order was made, which, together with the transcript of the evidence before the judge, if it is not part of the record of the judge, shall constitute the record in the appeal. Record to be filed in court

(3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section. Minister entitled to be heard

(4) The Supreme Court may, on the appeal, exercise all the powers of the judge appealed from or the court may refer the matter back to the judge for a rehearing, in whole or in part, in accordance with such directions as the court considers proper. Decision

(4) Section 9 of *The Department of Tourism and Information Act* is amended by adding thereto the following subsection: R.S.O. 1970, c. 122, s. 9, amended

(3) Nothing in this section authorizes an inspector to enter any premises or dwelling unit forming part of a tourist establishment that is rented and actually occupied by a tourist or member of the public without the consent of the occupant, except under the authority of a warrant issued under section 16 of *The Summary Convictions Act*. Entry of rented and occupied premises with consent
R.S.O. 1970, c. 450

(5) *The Department of Tourism and Information Act* is amended by adding thereto the following section: R.S.O. 1970, s. 122, amended

9a.—(1) Notwithstanding section 6d, an inspector, by notice delivered to the operator of a tourist establish-

ment, may provisionally suspend the licence to operate the establishment if he believes on reasonable grounds that the continued operation of the establishment will be dangerous to the safety or health of any person and, upon delivery of such notice to the operator, the suspension takes effect.

Hearing

- (2) Where an inspector has provisionally suspended a licence to operate a tourist establishment under subsection 1, he shall forthwith notify the licence issuer by whom the licence was issued and the licence issuer shall, as soon as is practicable, hold a hearing and determine whether the licence should be suspended or cancelled under this Act, and the provisions of sections 6*d*, 6*f* and 6*g* apply to such proceedings and to the decision of the licence issuer.

R.S.O. 1970,
c. 122, s. 10,
subs. 3,
re-enacted

- (6) Subsection 3 of section 10 of *The Department of Tourism and Information Act* is repealed and the following substituted therefor:

Acquisition
of land
R.S.O. 1970,
cc. 393, 154

- (3) Lands may be acquired for the purposes of this section under *The Public Works Act* and, where expropriated, *The Expropriations Act* applies.

R.S.O. 1970,
c. 122, s. 13,
subs. 1, cl. *a*,
re-enacted

- (7) Clause *a* of subsection 1 of section 13 of *The Department of Tourism and Information Act* is repealed and the following substituted therefor:

- (*a*) providing for the issuance of permits and licences and prescribing the terms and conditions of permits or licences or any class thereof.

R.S.O. 1970,
c. 122, s. 13,
subs. 1, cl. *n*,
repealed

- (8) Clause *n* of subsection 1 of the said section 13 is repealed.

R.S.O. 1970,
c. 127, s. 1,
amended

- 32.**—(1) Section 1 of *The Deposits Regulation Act* is amended by adding thereto the following clauses:

(*aa*) “business premises” does not include any dwelling;

(*da*) “dwelling” means any premises or any part thereof occupied as living accommodation.

R.S.O. 1970,
c. 127, s. 5,
subs. 5,
re-enacted

- (2) Subsection 5 of section 5 of *The Deposits Regulation Act* is repealed and the following substituted therefor:

Powers on
inspection

- (5) For purposes relevant to the subject-matter of an investigation under subsection 4, the representative

of the Commission may inquire into and examine the affairs of the person or corporation whose affairs are being investigated and may,

- (a) upon production of his authorization from the Commission, enter at any reasonable time the business premises of such person or corporation and examine books, papers, documents and things relevant to the subject-matter of the investigation;
- (b) inquire into,
 - (i) negotiations, investigations, transactions, loans, borrowings and payments to, by, or on behalf of or in relation to or connected with such person or corporation and into any property, assets or things owned, acquired or alienated in whole or in part by such person or corporation or any person or company acting on his or its behalf that are relevant to the subject-matter of the investigation, and
 - (ii) the assets at any time held, the liabilities, debts, undertakings and obligations at any time existing, the financial or other conditions at any time prevailing in or in relation to or in connection with any such person or corporation and any other person or corporation and the relationship that may at any time exist or have existed between such person or corporation and any other person or corporation by reason of investments, commissions promised, secured or paid, interests held or acquired, the loaning or borrowing of money, stock or other property, the transfer, negotiation or holding of stock, interlocking directorates, common control, undue influence or control or any other relationship.
- (6) No person shall obstruct a person making an investigation under subsection 4 or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation.

Offence

Powers
under
1971, c. 49,
Pt. II

- (7) For the purposes of an investigation under this section, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under that Act.

Search
warrant

- (8) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are, in any building, dwelling, receptacle or place, any books, papers, documents or things relating to the person or corporation whose affairs are being investigated and that relate to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 5, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the judge, by the order, authorizes the person making the investigation to make the search at night.

Removal of
books, etc.

- (9) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, papers, documents or things examined under clause *a* of subsection 5 or subsection 8 relating to the person or corporation whose affairs are being investigated and that relate to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out with reasonable dispatch and the books, papers or documents in question shall be promptly thereafter returned to the person or corporation whose affairs are being investigated.

Admissibility
of copies

- (10) Any copy made as provided in subsection 9 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents.

- (11) The Commission may appoint any expert to examine books, papers, documents or things examined under clause *a* of subsection 5 or subsection 8. Appointment of experts

(3) *The Deposits Regulation Act* is amended by adding thereto the following section: R.S.O. 1970, c. 127, amended

5a. Every person employed in the administration of this Act, including any person making an investigation or inquiry under this Act, shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties, employment, investigation or inquiry and shall not communicate any such matters to any other person except, Matters confidential

(a) as may be required in connection with the administration of this Act and the regulations, or any proceedings under this Act or the regulations; or

(b) to his counsel; or

(c) with the consent of the person to whom the information relates.

(4) Clause *f* of section 8 of *The Deposits Regulation Act* is repealed. R.S.O. 1970, c. 127, s. 8, cl. f, repealed

33. Section 16 of *The Dog Tax and Live Stock and Poultry Protection Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 133, s. 16, re-enacted

16.—(1) The council of a municipality may conduct an inquiry in order to ascertain the owner of a dog that has killed or injured live stock or poultry within the municipality. Inquiry to ascertain owner of dog

(2) The council of a municipality for the purposes of an inquiry under subsection 1 has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. Powers on inquiry 1971, c. 49

34.—(1) Section 1 of *The Edible Oil Products Act* is amended by adding thereto the following clauses: R.S.O. 1970, c. 138, s. 1, amended

(aa) “chief inspector” means the chief inspector appointed under this Act;

(ab)

R.S.O. 1970,
c. 273

(ab) "Commission" means The Milk Commission of Ontario established by *The Milk Act*.

(da) "licence" means a licence under this Act.

R.S.O. 1970,
c. 138, s. 4,
re-enacted

(2) Section 4 of *The Edible Oil Products Act* is repealed and the following substituted therefor:

Licence
required

4. No person shall manufacture or sell by wholesale an edible oil product to which this Act applies without a licence therefor from the chief inspector.

R.S.O. 1970,
138,
amended

(3) *The Edible Oil Products Act* is amended by adding thereto the following sections:

Licence,
issue

4a.—(1) The chief inspector shall issue a licence to a person who makes application therefor in accordance with this Act and the regulations and pays the prescribed fee unless, after a hearing,

(a) he finds that,

- (i) the applicant was previously the holder of a licence and such licence was cancelled under this Act, or
- (ii) the applicant or, where the applicant is a corporation, any officer, director or servant thereof or any person who will be in any way associated with the applicant in the operations pursuant to the licence was convicted of an offence under this Act,

and in his opinion the grounds for such cancellation or conviction warrant a refusal to issue the licence; or

(b) he is of opinion that,

- (i) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the business that would be authorized by the licence will not be carried on in accordance with law, or
- (ii) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations.

- (2) Subject to section 4*b*, the chief inspector shall ^{Renewal} renew a licence on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee.

- 4*b*.—(1) The chief inspector may refuse to renew or may ^{Refusal to renew, suspension or cancellation} suspend or cancel a licence if, after a hearing, he finds that,

(*a*) the licensee or, where the licensee is a corporation, any officer, director or servant thereof, has contravened or has permitted any person under his control or direction or associated with him in connection with his or its operations as a licensee to contravene any provision of this Act or the regulations or a term or condition of the licence or has been convicted of an offence under this Act and such contravention or conviction in his opinion warrants such refusal to renew, suspension or cancellation of the licence; or

(*b*) any other ground for refusal to renew, suspension or cancellation specified in the regulations exists.

- (2) Notwithstanding subsection 1, the chief inspector, ^{Provisional suspension, etc.} by notice to a licensee and without a hearing, may provisionally refuse to renew or suspend the licensee's licence where in the opinion of the chief inspector it is necessary to do so for the immediate protection of the safety or health of any person or the public and he so states in such notice giving his reasons therefor, and thereafter the chief inspector shall hold a hearing to determine whether renewal of the licence should be refused or whether the licence should be further suspended or cancelled under this Act and the regulations.

- (3) Subject to subsection 2, where, within the time ^{Continuation of licence pending renewal} prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for a renewal of his licence and has paid the prescribed fee and observed or carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the chief inspector on his application for renewal.

Notice of
hearing

4c.—(1) The notice of a hearing by the chief inspector under section 4a or 4b shall afford the applicant or licensee reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

Examination
of docu-
mentary
evidence

(2) An applicant or licensee who is a party to proceedings in which the chief inspector holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Variation
of decision
by chief
inspector

4d. Where the chief inspector has refused to issue or renew or has suspended or cancelled a licence pursuant to a hearing, he may, at any time of his own motion or on the application of the person who was the applicant or licensee, vary or rescind his decision, but he shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and the regulations.

Appeal to
Commission

4e.—(1) Where the chief inspector refuses to issue or renew, or suspends or cancels a licence, the applicant or licensee may, by written notice delivered to the chief inspector and filed with the Commission within fifteen days after receipt of the decision of the chief inspector, appeal to the Commission.

Extension
of time
for appeal

(2) The Commission may extend the time for the giving of notice by an applicant or licensee under subsection 1, either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension.

Disposal
of appeal

(3) Where an applicant or licensee appeals to the Commission under this section, the Commission shall hear the appeal by way of a hearing *de novo* to determine whether the licence should be issued, renewed, suspended or cancelled and may, after the hearing, confirm or alter the decision of the chief inspector or direct the chief inspector to do any act he is authorized to do under this Act and as the Commission considers proper, and, for such purpose, the Commission may substitute its opinion for that of the chief inspector.

- (4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the chief inspector, unless the chief inspector otherwise directs, the decision of the chief inspector is effective until the appeal is disposed of. Effect of decision pending disposal of appeal
- 4f.—(1) The chief inspector, the appellant and such other persons as the Commission may specify are parties to the proceedings before the Commission under this Act. Parties
- (2) Members of the Commission assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law. Members making decision not to have taken part in investigation, etc.
- (3) The oral evidence taken before the Commission at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence
- (4) The findings of fact of the Commission pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact
- (5) No member of the Commission shall participate in a decision of the Commission pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Commission shall be given unless all members so present participate in the decision. Only members at hearing to participate in decision
- 4g.—(1) Any party to the hearing before the Commission may appeal from the decision of the Commission to the Supreme Court in accordance with the rules of court. Appeal to court
- (2) The Minister is entitled to be heard, by counsel or otherwise, on the argument of an appeal under this section. Minister entitled to be heard

Record to
be filed
in court

- (3) The chairman of the Commission shall certify to the Registrar of the Supreme Court the record of the proceedings before the Commission which, together with a transcript of the evidence before the Commission, if it is not part of the Commission's record, shall constitute the record in the appeal.

Powers of
court on
appeal

- (4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Commission or direct the chief inspector to do any act he is authorized to do under this Act or may refer the matter back to the Commission for reconsideration by the Commission as the court considers proper, and the court may substitute its opinion for that of the chief inspector or the Commission.

Effect of
decision of
Commission
pending
disposal
of appeal

- (5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Commission, unless the Commission otherwise directs, the decision of the Commission is effective until the appeal is disposed of.

R.S.O. 1970,
c. 138, s. 6,
subs. 1,
re-enacted

- (4) Subsection 1 of section 6 of *The Edible Oil Products Act* is repealed and the following substituted therefor:

Inspectors, etc.,
appointment

- (1) The Lieutenant Governor in Council may appoint a chief inspector and such inspectors and analysts as are deemed necessary for the administration and enforcement of this Act and the regulations.

R.S.O. 1970,
c. 140, s. 2,
re-enacted

- 35.—**(1) Section 2 of *The Elderly Persons Centres Act* is repealed and the following substituted therefor:

Approval of
corporation

- 2.—(1) Where the Lieutenant Governor in Council is satisfied that any corporation is, with assistance in accordance with this Act, financially capable of establishing, maintaining and operating a centre and that its affairs are carried on under competent management in good faith for charitable purposes, he may approve such corporation as a corporation for the purposes of this Act.

Approval
of building

- (2) Where the Lieutenant Governor in Council is satisfied that a building or premises is suitable for providing accommodation as a centre in accordance with this Act and the regulations, he may approve such building or premises as a centre for the purposes of this Act.

- (3) An approval given under subsection 2 or section 3 may take effect on any date fixed by the Lieutenant Governor in Council that is prior to the date on which the approval is given, but in no case shall the date upon which the approval takes effect precede the date of the approval given under subsection 1 to the corporation maintaining and operating the centre or the date of the approval given under section 3 to the municipal by-law establishing the centre, as the case may be. ^{Effective date of approval}

(2) Section 8 of *The Elderly Persons Centres Act* is repealed and the following substituted therefor: ^{R.S.O. 1970, c. 140, s. 8, re-enacted}

- 8.—(1) Subject to this section, any approval given under this Act may be suspended by the Minister or revoked by the Lieutenant Governor in Council on the recommendation of the Minister if, ^{Suspension or revocation of approval}

(a) any director, officer or servant of the approved corporation or municipality has contravened or knowingly permitted any person under his control and direction to contravene any provision of this Act or the regulations and such contravention occurred through lack of competence or with intent to evade the requirements of such provision; or

(b) the approval would be refused if application were being made for it in the first instance.

- (2) Subject to subsection 6 and except where an approval is suspended or revoked with consent, before suspending, or before recommending to the Lieutenant Governor in Council revocation of an approval to a corporation or to a centre operated by an approved corporation given under this Act, the Minister shall cause a hearing as to whether the approval should be suspended or revoked to be held by a person appointed by the Minister. ^{Hearing}

- (3) Sections 4 to 16 and 21 to 24 of *The Statutory Powers Procedure Act, 1971* apply with respect to a hearing under this section. ^{Application of 1971, c. 47}

- (4) The person conducting a hearing under this section shall, at the conclusion of the hearing, make a report to the Minister setting out his findings of ^{Report}

fact

fact and any information or knowledge used by him in making his recommendations, any conclusions of law he has arrived at relevant to his recommendations and his recommendations as to the suspension or revocation of the approval and shall send a copy of his report to the persons affected.

Decision of
Minister

- (5) After considering a report made to him under this section, the Minister may thereupon suspend or recommend revocation of the approval to which the report relates and shall give notice of his decision to the persons affected, specifying the reasons therefor.

Provisional
suspension

- (6) Notwithstanding anything in this section, the Minister, by notice to the persons affected and without a hearing, may provisionally suspend an approval given under this Act where the continuation of operations in accordance with the approval is, in the Minister's opinion, an immediate threat to the health or safety of any person or to the public and the Minister so states in such notice giving his reasons therefor, and thereafter the Minister shall cause a hearing to be held and the provisions of subsections 2 to 5 apply.

R.S.O. 1970,
c. 140, s. 10, cl. 1
repealed

- (3) Clause 1 of section 10 of *The Elderly Persons Centres Act* is repealed.

R.S.O. 1970,
c. 146, s. 3,
re-enacted

- 36.**—(1) Section 3 of *The Employment Agencies Act* is repealed and the following substituted therefor:

Licence,
issue

- 3.—(1) Subject to section 6, an applicant for a licence to carry on a class of employment agency who,

- (a) applies in the prescribed form;
- (b) pays the prescribed fee;
- (c) furnishes such security as is prescribed by the regulations; and
- (d) complies with the qualifications prescribed by the regulations,

is entitled to be issued such licence by the supervisor.

Renewal

- (2) Subject to section 6a, a licensee who applies for a renewal of his licence in accordance with this Act and the regulations and pays the prescribed fee is entitled to renewal of his licence by the supervisor.

(2) Section 6 of *The Employment Agencies Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 146, s. 6,
re-enacted

6. Subject to section 6*b*, the supervisor may refuse to issue a licence to an applicant who otherwise has complied with the requirements of section 3 if in his opinion,

Refusal
to issue
licence

(*a*) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on the employment agency in accordance with law and with honesty and integrity; or

(*b*) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible in the carrying on of the employment agency; or

(*c*) where the applicant is a corporation,

(*i*) the past conduct of its officers or directors affords reasonable grounds for belief that the employment agency will not be carried on by it in accordance with law or with honesty and integrity, or

(*ii*) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the carrying on of the employment agency.

6*a*. Subject to section 6*b*, the supervisor may refuse to renew or may suspend or revoke a licence if in his opinion,

Suspension,
revocation,
etc.

(*a*) the licensee or, where the licensee is a corporation, any officer, director or servant thereof has contravened or has knowingly permitted any person under his control or direction or associated with him in the carrying on of the employment agency carried on pursuant to the licence to contravene any provision of this Act or of the regulations or of any other Act or regulations applying to the carrying on of the employment agency and such contravention occurred through lack of competence or with intent to evade the requirements of such provision; or

(*b*)

- (b) the licence would be refused under section 6 if the licensee were making application for it in the first instance.

Notice of
proposal to
refuse or
revoke

- 6b.—(1) Where the supervisor proposes to refuse to issue or renew a licence or proposes to suspend or revoke a licence, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or licensee informing him that he has a right to a hearing by a judge of the county or district court of the county or district in which he intended to carry on or carried on his employment agency under the licence if he applies to the judge within fifteen days after service of the notice by the supervisor, and the applicant or licensee may within such time apply to the judge for a hearing.

Powers of
supervisor
where no
hearing

- (2) Where an applicant or licensee does not apply for a hearing in accordance with subsection 1, the supervisor may carry out the proposal stated in his notice under subsection 1.

Powers of
judge where
hearing

- (3) Where an applicant or licensee applies to a judge for a hearing in accordance with subsection 1, the judge shall appoint a time for and hold the hearing and, on the application of the supervisor at the hearing, may by order direct the supervisor to carry out his proposal or refrain from carrying out his proposal and to take such action as the judge considers the supervisor ought to take in accordance with this Act and the regulations, and for such purposes the judge may substitute his opinion for that of the supervisor.

Service of
notice

- (4) The supervisor may serve notice under subsection 1 personally or by registered mail addressed to the applicant or licensee at his address last known to the supervisor and, where notice is served by registered mail, the notice shall be deemed to have been served on the third day after the day of mailing unless the person to whom notice is being given establishes to the judge to whom he applies for a hearing that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

Extension of
time for
hearing

- (5) A judge to whom application is made by an applicant or licensee for a hearing under subsection 1 may extend the time for making the application, either before or after expiration of the time fixed therein, where he is satisfied that there are *prima facie*

grounds

grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension and may give such directions as he considers proper consequent upon the extension.

- (6) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue, Continuation of licences pending renewal
- (a) until the renewal is granted; or
- (b) where he is served with notice that the supervisor proposes to refuse to grant the renewal, until the time for applying to a judge for a hearing expires and, where a hearing is applied for, until the judge has made his order.
- 6c.—(1) The supervisor, the applicant or licensee who has applied for the hearing and such other persons as the judge may specify are parties to the proceedings before a judge under section 6b. Parties
- (2) Notice of a hearing under section 6b shall afford to the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence. When notice to be given
- (3) An applicant or licensee who is a party to proceedings under section 6b shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence
- (4) The oral evidence taken before the judge at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the county court. Recording of evidence
- (5) The findings of fact of a judge pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact 1971, c. 47
- 6d.—(1) Any party to proceedings before a judge may appeal from the decision or order of the judge to the Supreme Court in accordance with the rules of court. Appeal from order of judge

Record
to be filed
in court

- (2) Where notice of an appeal is served under this section, the judge shall forthwith file in the Supreme Court the record of the proceedings before him in which the decision or order was made, which, together with the transcript of the evidence before the judge if it is not part of the record of the judge, shall constitute the record in the appeal.

Representa-
tions by
Minister

- (3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Decision

- (4) The Supreme Court may, on the appeal, exercise the powers of the judge appealed from and for such purpose the court may substitute its opinion for that of the supervisor or of the judge or the court may refer the matter back to the judge for a hearing, in whole or in part, in accordance with such directions as the court considers proper.

Provisional
order of
supervisor

- 6e. Notwithstanding section 6b, the supervisor, by notice to a licensee, and without a hearing, may provisionally refuse renewal of or suspend the licensee's licence where the carrying on of the employment agency under the licence is, in the supervisor's opinion, an immediate threat to the interests of persons dealing with the agency or to the public interest and the supervisor so states in the notice giving his reasons therefor, and thereafter sections 6b, 6c and 6d apply as if the notice given under this section were a notice of a proposal to revoke the licence served under subsection 1 of section 6b.

R.S.O. 1970,
c. 146, s. 9, cl. 1,
repealed

- (3) Clause 1 of section 9 of *The Employment Agencies Act* is repealed.

R.S.O. 1970,
c. 147, s. 10,
cl. a,
re-enacted

- 37.**—(1) Clause a of section 10 of *The Employment Standards Act* is repealed and the following substituted therefor:

- (a) summon and examine witnesses and require them to produce such documents and things as he considers requisite to the full investigation and consideration of the matter or thing he is authorized to inquire into and for such purpose he has the powers of a commission in Part II of *The Public Inquiries Act, 1971*, which Part applies to his inquiry as if it were an inquiry under that Act.

(2) The said section 10 is amended by adding thereto the following subsections: R.S.O. 1970, c. 147, s. 10, amended

(2) Before making a determination under subsection 1, the Director or the person designated to do so shall afford to the persons who will be affected by the determination an opportunity for a hearing. Hearing

(3) Where a group of persons having the same interest will be affected by a determination under subsection 1 and such group of persons have not specified a person to represent all persons in the group, the Director or the person designated to make the determination may, if he considers it proper, specify one or more persons to represent all persons constituting the group in the proceedings in which such determination is to be made and all persons so represented are parties to the decision. Persons to represent groups

(3) Subsections 3 and 4 of section 26 of *The Employment Standards Act* are repealed and the following substituted therefor: R.S.O. 1970, c. 147, s. 26, subss. 3, 4, re-enacted

(3) The board shall investigate the amount of moneys owing to an employee under section 25 and, after a hearing, shall make recommendations to the Director as to the determination he should make and the Director may, after considering such recommendations, make his determination. Recommendations to Director

(4) Sections 4 to 18 and 20 to 24 of *The Statutory Powers Procedure Act, 1971* apply to the proceedings of the board as if it were a tribunal exercising a statutory power of decision and for such purpose the recommendations of the board shall be deemed to be a decision of the board. Application of 1971, c. 47

(4) Subsections 4, 5 and 6 of section 34 of *The Employment Standards Act* are repealed and the following substituted therefor: R.S.O. 1970, c. 147, s. 34, subss. 4-6, re-enacted

(4) Where an employer has applied under subsection 3 for a review of a determination made under subsection 1, the Minister shall designate a person to review the determination and such person may, after hearing the parties, vary, rescind or confirm the amount payable by the employer and for such purpose the person designated may exercise any of the powers conferred by clauses *c* to *h* of section 10. Review of determination

Appeal

- (5) An employer who is dissatisfied with a decision made under subsection 4 may appeal from the decision to the Supreme Court, within fifteen days from the day he received the decision, upon the grounds that the decision is,

(a) erroneous in point of law; or

(b) in excess of jurisdiction or otherwise unauthorized.

Stated case

- (6) Upon the request of an employer desiring to appeal to the Supreme Court, the person who made the decision under subsection 4 shall state a case setting forth the facts as found and the grounds upon which the decision is questioned.

R.S.O. 1970,
c. 147, s. 34,
subs. 8,
re-enacted

- (5) Subsection 8 of the said section 34 is repealed and the following substituted therefor:

Order of court

- (8) The Supreme Court shall hear and determine the appeal in accordance with the rules of court and may make such order as the court considers proper or may refer the matter or any part thereof to the person who made the decision appealed from to review the determination with such directions as the court considers proper.

Minister entitled to be heard

- (8a) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

R.S.O. 1970,
c. 157, s. 1,
amended

- 38.—**(1) Section 1 of *The Family Benefits Act* is amended by inserting therein the following clause:

(da) “board of review” means the board of review established under this Act.

R.S.O. 1970,
c. 157, s. 3,
subs. 1,
re-enacted

- (2) Subsection 1 of section 3 of *The Family Benefits Act*, is repealed and the following substituted therefor:

Duties of Director

- (1) The Director shall perform such duties and exercise such powers under this Act as are conferred or imposed by this Act and the regulations.

R.S.O. 1970,
c. 157, s. 3,
amended

- (3) The said section 3 is further amended by adding thereto the following subsection:

- (4) Any decision made by a person performing duties or exercising powers of the Director under subsection 2 or 3 shall be deemed to be a decision of the Director for the purposes of this Act. Decision of acting Director

(4) Subsection 1 of section 7 of *The Family Benefits Act* is amended by striking out "An allowance shall and other benefits may be provided in accordance with the regulations to any person in need who is resident in Ontario as determined by the regulations and" in the first, second and third lines and inserting in lieu thereof "An allowance shall and other benefits may be provided in accordance with the regulations to any person in need who is resident in Ontario and ". R.S.O. 1970, c. 157, s. 7, subs. 1, amended

(5) *The Family Benefits Act* is amended by adding thereto the following sections: R.S.O. 1970, c. 157, amended

10a. The Director shall,

- (a) receive applications for benefits; and
- (b) in accordance with this Act and the regulations,
 - (i) determine whether any person is entitled to or eligible to receive a benefit,
 - (ii) where an applicant is so entitled or eligible, determine the amount of the allowance or other benefit and direct provision thereof, and
 - (iii) from time to time vary the amount or benefit so determined.

Application for and determination of benefits

10b. Subject to section 10c, the Director may refuse to provide or may suspend or cancel a benefit where, Refusal or suspension of benefit

- (a) the applicant or recipient is not or ceases to be entitled thereto, or eligible therefor, under this Act or the regulations;
- (b) the applicant or recipient is absent from Ontario;
- (c) the applicant or recipient fails to provide to the Director or his representative, including a field worker, the information required to determine initial or continuing entitlement to or eligibility for a benefit or the amount of an allowance; or

(d)

- (d) any other ground for refusal, suspension or cancellation specified in the regulations exists.

Notice of
proposal to
suspend, etc.

- 10c.—(1) The Director shall not refuse an application for a benefit or suspend or cancel a benefit until more than ten days have elapsed after he has given notice of a proposal to do so, together with his reasons therefor, to the applicant or recipient.

Contents
of notice

- (2) A notice under subsection 1 shall inform the applicant or recipient that he may, within ten days after receipt by him of the notice, file with the Director written representations against the proposed action.

Powers of
Director

- (3) Where an applicant or recipient,
- (a) does not file representations with the Director within ten days after receipt by him of a notice under subsection 1; or
- (b) has so filed such representations and the Director has given consideration to them,

the Director may carry out the proposed action, and shall give notice of his decision, together with the reasons therefor, to the applicant or recipient.

Notice of
variation

- (4) Where the Director varies the amount of any allowance or benefit, he shall give notice of such variation, together with his reasons therefor, to the recipient.

Notice of
decision

- (5) A notice under subsection 3 or 4 shall inform the applicant or recipient that he is entitled to a hearing by the board of review if he delivers or mails to the chairman of the board a request therefor in the prescribed form within thirty days after receipt by him of the notice, and an applicant or recipient who so mails or delivers such a request is entitled to a hearing by the board.

Extension of
time for
requesting
hearing

- (6) The board may extend the time for giving notice by an applicant or recipient under subsection 5, either before or after expiration of the time therein specified, where it is satisfied there are *prima facie* grounds for claiming relief pursuant to a hearing or for appeal and that there are reasonable grounds for applying for the extension.

- (7) A notice by the Director under this section may be given by delivering it personally or by sending it by prepaid mail addressed to the applicant or recipient at his address last known to the Director and, where notice is sent by mail, the notice shall be presumed to have been received on the third day after the day of mailing unless the person to whom notice is given did not, acting in good faith, through absence, accident, illness or other cause beyond his control, receive the notice until a later date. How notice may be given
- (8) A decision of the Director under this section shall be effective from such date either before or after the date of the making of the decision as the Director may fix. Effective date of decision
- (9) *The Statutory Powers Procedure Act, 1971* does not apply to proceedings of the Director under this section. 1971, c. 47 not to apply
- (10) This section does not apply to refusal of an application for or cancellation of a benefit on the death of the applicant or recipient. Application of section
- (6) Subsection 5 of section 11 of *The Family Benefits Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 157, s. 11, subs. 5, re-enacted
- (5) The chairman of the board of review may authorize one or more members of the board to conduct a hearing and such member or members has or have all the powers of the board for the purpose of such hearing and any decision of such member or members shall be a decision of the board. One or more members may conduct hearing
- (7) Sections 12 and 13 of *The Family Benefits Act* are repealed and the following substituted therefor: R.S.O. 1970, c. 157, ss. 12, 13, re-enacted
- 12.—(1) Where an applicant or recipient files a request for a hearing in accordance with section 10c, the board of review shall fix a time for and hold a hearing to review the decision of the Director. Review
- (2) The Director, the applicant or recipient who requested the hearing and such other persons as the board may specify are parties to the proceedings before the board of review. Parties

Hearings
in camera
1971, c. 47

- (3) Notwithstanding *The Statutory Powers Procedure Act, 1971*, all hearings of the board of review shall be heard *in camera*.

Members
holding
hearing
not to
have taken
part in
prior con-
sideration
of matter

- (4) Subject to subsection 5, members of the board holding a hearing,
- (a) shall not have taken part in any investigation or consideration of the subject-matter of the hearing prior to the hearing; and
 - (b) shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate.

Legal
advice

- (5) The board of review may seek legal advice from an adviser independent from the parties, and members of the board may at any time consult with other members of the board.

Submission
by Director

- (6) The Director may make his submissions at a hearing of the board of review in writing, but the applicant or recipient who is a party to the hearing shall be afforded an opportunity to examine before the hearing any such submission or any written or documentary evidence that the Director proposes will be produced or any report the contents of which the Director proposes will be given in evidence at the hearing.

Recording
of evidence

- (7) The oral evidence taken before the board of review at a hearing shall be recorded,
- (a) by notes taken by or under the supervision of the members of the board conducting the hearing; or
 - (b) in such other manner as such members may direct, in which case copies of a transcript shall, on request, be furnished upon the same terms as in the Supreme Court.

Findings
of fact

- (8) The findings of fact of the board of review pursuant to a hearing under this section shall be based exclusively on evidence admissible and facts of which notice may be taken under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

- (9) No member of the board of review shall make any decision of the board pursuant to a hearing under this section unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the board shall be given unless all members so present take part in the decision. Only members at hearing to participate in decision
- (10) Where, after a hearing, the board of review has reviewed the decision of the Director, the board may, Powers of board after hearing
- (a) affirm the decision ;
 - (b) rescind the decision and direct the Director to make any other decision that the Director is authorized to make under this Act and the regulations and as the board considers proper, and for such purpose the board may substitute its opinion for the opinion of the Director; or
 - (c) refer the matter back to the Director for reconsideration in accordance with such directions as the board considers proper under this Act and the regulations,
- and the Director shall give effect to any directions given by the board under this section.
- (11) The board of review may, on application of any party, reconsider and vary any decision made by it after hearing the parties to the proceedings in which the original decision was made, and the provisions of this section, except subsection 4, apply *mutatis mutandis* to the proceedings on such reconsideration. Variation of decision by board
- 13.—(1) Any party to the proceedings before the board of review under section 12 may appeal from the decision of the board to the Supreme Court on a question that is not a question of fact alone in accordance with the rules of court. Appeal to court
- (2) Where any party appeals from a decision of the board of review, the board shall forthwith file with the Registrar of the Supreme Court the record of the proceedings before it in which the decision was made which, together with the transcript of the evidence, if any, before the board if it is not part of the board's record, shall constitute the record in the appeal. Record to be filed in court

Minister
entitled to
be heard

- (3) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section.

Powers of
court on
appeal

- (4) On an appeal under this section, the court may affirm the decision of the board of review or may rescind it and refer the matter back to the board or to the Director to be disposed of in accordance with such directions as the court considers proper under this Act and the regulations, and the board or the Director shall give effect to any direction given by the court under this section.

Effect of
decision
pending
disposal
of appeal

- 13a. Notwithstanding that an applicant or recipient has requested a hearing by the board of review under section 12, or has appealed from a decision of the board under section 13, the decision of the Director or of the board, as the case may be, is effective until the decision of the board is made after the hearing or the decision of the court is made on the appeal, as the case may be.

Recovery of
over-
payments,
etc.

- 13b. Notwithstanding section 5 and subject to the regulations, the Director may recover from a recipient any sum paid to him by way of an allowance under this Act or any predecessor Act mentioned in subsection 1 of section 16 to which he was not entitled under this Act or such predecessor Act or in excess of any amount to which he was so entitled, whether by reason of non-disclosure of facts, misrepresentation or fraud, or for any other cause disentitling him to such an allowance, by reducing or suspending any allowance payable to the recipient or by proceedings to recover such sum as a debt due to the Crown in any court of competent jurisdiction.

Further
application

- 13c. Notwithstanding any decision of the Director, the board of review or of the court, a further application for a benefit may be made to the Director by the applicant or recipient upon new or other evidence or where material circumstances have changed.

R.S.O. 1970,
c. 157, s. 15,
amended

- (8) Section 15 of *The Family Benefits Act* is amended by striking out "The Lieutenant Governor in Council may make such regulations with respect to benefits as are considered necessary for carrying out the purposes of this Act, and in particular" in the first, second and third lines and inserting in lieu thereof "The Lieutenant Governor in Council may make regulations".

(9) Clause *e* of the said section 15 is repealed.

R.S.O. 1970,
c. 157, s. 15,
cl. *e*, repealed

(10) Clause *n* of the said section 15 is repealed and the following substituted therefor:

R.S.O. 1970,
c. 157, s. 15,
cl. *n*, re-enacted

(*n*) providing for the reinstatement and transfer of allowances and other benefits.

39. Section 2 of *The Fire Fighters' Exemption Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 170, s. 2,
re-enacted

2.—(1) Upon complaint to the council of neglect of duty by a member of such fire company, the council shall examine into the complaint and, for any such cause and also in case a member of the company is convicted of a breach of any of the rules legally made for the regulation of the company, may, after a hearing, strike off the name of any such member from the list of the company and thenceforward the certificate granted to the member has no effect in exempting him from any duty or service.

Forfeiting
exemption
after hearing

(2) The member of the fire company against whom the complaint has been made and the complainant, if any, are parties to a hearing under subsection 1.

Parties to
hearing

40.—(1) Subsection 3 of section 5 of *The Fish Inspection Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 174, s. 5,
subs. 3,
re-enacted

(3) Where a person is convicted of an offence under this Act or the regulations, any fish or containers seized under subsection 1 by means of or in relation to which the offence was committed shall be ordered to be forfeited to Her Majesty by the court or judge convicting such person and may be disposed of as the Minister directs.

Disposal
of fish
seized

(4) Where a person pleads guilty to an offence against this Act or the regulations and fish or containers were seized under subsection 1 by an inspector as being fish or containers by means of or in relation to which the offence was committed, it shall be presumed by the court or judge convicting such person, in the absence of evidence to the contrary, that the offence was committed by means of or in relation to such fish or containers.

Where offence
deemed com-
mitted in
relation to
fish seized

(2) Section 12 of *The Fish Inspection Act* is repealed.

R.S.O. 1970,
c. 174, s. 12,
repealed

R.S.O. 1970,
c. 179,
amended

41. *The Forest Fires Prevention Act* is amended by adding thereto the following section:

Appeal

23a.—(1) Any person who is refused a fire permit, a forest travel permit or a work permit by an officer, or who is aggrieved by the terms and conditions contained in such permit or whose fire permit, forest travel permit or work permit has been cancelled or suspended by an officer may appeal to the district forester for the forest district to which the permit relates from the decision of the officer, and the district forester shall hear the appeal and may affirm or vary the terms and conditions or the decision of the officer and may, if he rescinds the decision, grant a permit.

Parties

(2) The appellant and the officer from whose decision the appeal is taken are parties to an appeal under this section.

How appeal
made

(3) An appeal under this section may be made in writing or orally or by telephone to the district forester, but the district forester may require the grounds for the appeal to be made in writing before the hearing.

Decision of
officer

(4) Notwithstanding that an appeal has been brought, the decision of an officer relating to a permit, unless varied by the officer, is binding and effective until varied or rescinded by the district forester.

R.S.O. 1970,
c. 181, s. 5,
subs. 3,
re-enacted

42.—(1) Subsection 3 of section 5 of *The Forestry Act* is repealed and the following substituted therefor:

Cutting and
removing
trees

(3) The owner of a private forest reserve shall not cut or remove any trees growing thereon without the consent of the Minister who, in giving or refusing his consent, shall have regard to the sound management of the reserve for forestry purposes and the reasonable business requirements of the owner and who, where he refuses his consent, shall give reasons to the owner for his refusal.

R.S.O. 1970,
c. 181, s. 9, cl. g,
repealed

(2) Clause g of section 9 of *The Forestry Act* is repealed.

R.S.O. 1970,
c. 189, s. 1,
amended

43.—(1) Section 1 of *The Gasoline Handling Act* is amended by adding thereto the following subsection:

Chief
officer

(2) The Minister may designate an officer of the Department of Labour to be chief officer for the purposes of this Act.

(2) Section 6 of *The Gasoline Handling Act* is repealed and the following substituted therefor :

R.S.O. 1970,
c. 189, s. 6,
re-enacted

6.—(1) No person shall,

Licence to
operate
service
station, etc.

(a) operate a service station ;

(b) operate a marina ;

(c) operate a bulk plant ; or

(d) transport gasoline or an associated product,

unless licensed to do so by the chief officer.

(2) Subject to section 6a, any person who makes application for a licence for any of the purposes enumerated in subsection 1 in accordance with this Act and the regulations and pays the prescribed fee is entitled to be issued such licence by the chief officer.

Entitlement
to licence

(3) Subject to section 6b, a licensee who makes application for a renewal of his licence in accordance with this Act and the regulations and pays the prescribed fee is entitled to a renewal of his licence by the chief officer.

Entitlement
to renewal
of licence

6a. Subject to section 6c, the chief officer may refuse to issue a licence to an applicant who has otherwise complied with the requirements of section 6 if in his opinion the past conduct of the applicant or, where the applicant is a corporation, of its officers, directors or servants, affords reasonable grounds for belief that the operations to be carried on pursuant to the licence will not be carried on in accordance with law and in a safe manner.

Refusal to
issue licence

6b. Subject to section 6c, the chief officer may refuse to renew or may suspend or revoke a licence if in his opinion the licensee or, where the licensee is a corporation, any officer, director or servant thereof has contravened or has knowingly permitted any person under his control or direction or associated with him in the carrying on of operations pursuant to the licence to contravene any provision of this Act or of the regulations or of any other Act or regulations applying to the carrying on of such operations and such contravention occurred through lack of competence or with intent to evade the requirements of such provision.

Suspension,
etc., of
licence

Notice of
proposal to
refuse or
revoke

6c.—(1) Where the chief officer proposes to refuse to issue or renew a licence or proposes to suspend or revoke a licence, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or licensee informing him that he has a right to a hearing by a judge of the county or district court of the county or district in which he intended to carry on or carried on his operations under the licence if he applies therefor within fifteen days after service of the notice by the chief officer, and the applicant or licensee may within such time apply to the judge for a hearing.

Powers of
chief officer
where no
hearing

(2) Where an applicant or licensee does not apply for a hearing in accordance with subsection 1, the chief officer may carry out the proposal stated in his notice under subsection 1.

Powers of
judge where
hearing

(3) Where an applicant or licensee applies to a judge for a hearing in accordance with subsection 1, the judge shall appoint a time for and hold the hearing and, on the application of the chief officer at the hearing, may by order direct the chief officer to carry out his proposal or refrain from carrying out his proposal and take such action as the judge considers the chief officer ought to take in accordance with this Act and the regulations, and for such purposes the judge may substitute his opinion for that of the chief officer.

Service of
notice

(4) The chief officer may serve notice under subsection 1 personally or by registered mail addressed to the applicant or licensee at his address last known to the chief officer and, where notice is served by registered mail, the notice shall be deemed to have been served on the third day after the day of mailing unless the person to whom notice is being given establishes to the judge to whom he applies for a hearing that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control, receive the notice until a later date.

Extension of
time for
hearing

(5) A judge to whom application is made by an applicant or licensee for a hearing under subsection 1 may extend the time for making the application either before or after expiration of the time fixed therein, where he is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension and may give such directions as he considers proper consequent upon the extension.

- (6) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue,
- Continuation
of licences
pending
renewal
- (a) until the renewal is granted; or
- (b) where he is served with notice that the chief officer proposes to refuse to grant the renewal, until the time for applying to a judge for a hearing expires and, where a hearing is applied for, until the judge has made his order.
- 6d.—(1) The chief officer, the applicant or licensee who has applied for the hearing and such other persons as the judge may specify are parties to the proceedings before a judge under section 6c.
- Parties
- (2) Notice of a hearing under section 6c shall afford to the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.
- Notice of
hearing
- (3) An applicant or licensee who is a party to proceedings under section 6c shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.
- Examination
of
documentary
evidence
- (4) The oral evidence taken before the judge at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the county court.
- Recording
of evidence
- (5) The findings of fact of a judge pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.
- Findings
of fact
- 1971, c. 47
- 6e.—(1) Any party to proceedings before a judge may appeal from the decision or order of the judge to the Supreme Court in accordance with the rules of court.
- Appeal from
order of
judge
- (2) Where notice of an appeal is served under this section, the judge shall forthwith file in the Supreme Court the record of the proceedings before him in
- Record to be
filed in court
- which

which the decision or order was made, which, together with the transcript of the evidence before the judge if it is not part of the record of the judge, shall constitute the record in the appeal.

Minister
entitled to
be heard

- (3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Decision

- (4) The Supreme Court may, on the appeal, exercise all the powers of the judge appealed from and for such purpose the court may substitute its opinion for that of the chief officer or of the judge or the court may refer the matter back to the judge for a rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Provisional
order of
chief officer

- 6f. Notwithstanding section 6c, the chief officer, by notice to a licensee and without a hearing, may provisionally refuse renewal of or suspend the licensee's licence where the carrying on of the operations under the licence is, in the chief officer's opinion, an immediate threat to public safety or the safety of any person and the chief officer so states in the notice giving his reasons therefor, and thereafter sections 6c, 6d and 6e apply as if the notice given under this section were a notice of a proposal to revoke the licence served under subsection 1 of section 6c.

R.S.O. 1970,
c. 189, s. 8,
amended

- (3) Section 8 of *The Gasoline Handling Act* is amended by adding thereto the following subsections:

Appeal from
instructions
of inspector

- (4a) Any person who considers himself aggrieved by any instructions given by an inspector under this section may forthwith appeal to the chief officer, but the bringing of such appeal does not affect the operation of the instructions appealed from until disposition of the appeal.

How
made

- (4b) An appeal under subsection 4a may be made in writing or orally or by telephone, but the chief officer may require the grounds for appeal to be specified in writing before the hearing.

Parties

- (4c) The appellant, the inspector from whom the appeal is taken and such other persons as the chief officer may specify are parties to an appeal under this section.

(4d)

- (4d) On an appeal under this section, the chief officer shall hear and dispose of it as promptly as is practicable and may substitute his findings or opinions for those of the inspector who gave the instructions appealed from and may affirm or reverse such instructions or give new instructions in substitution therefor and for such purpose has all the powers of the inspector and the instructions of the chief officer shall stand in the place of and have like effect under this Act and the regulations as the instructions of the inspector.
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Powers of
chief officer
on appeal

- (7) Subsection 6 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an inspector and to which it would otherwise be subject, and the Crown is liable under that Act for any such tort in a like manner as if subsection 6 had not been enacted.

Crown not
relieved of
liability
R.S.O. 1970,
c. 365

- (4) Clause *j* of section 9 of *The Gasoline Handling Act* is repealed.

R.S.O. 1970,
c. 189, s. 9, cl. *j*,
repealed

44.—(1) *The General Welfare Assistance Act* is amended by adding thereto the following section:

R.S.O. 1970,
c. 192,
amended

- 5a. A municipal welfare administrator or a regional welfare administrator may, in writing, authorize any person employed on his staff to exercise under his supervision and direction any of the powers conferred or the duties imposed on him under this Act or the regulations.

Adminis-
trator may
delegate
powers and
duties

- (2) Section 9 of *The General Welfare Assistance Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 192, s. 9,
re-enacted

- 9.—(1) In this section and section 9a, “welfare administrator” means municipal welfare administrator or regional welfare administrator, as the case may be.

Welfare
adminis-
trator
defined

- (2) A welfare administrator may refuse to provide or may suspend or cancel assistance under this Act where,

Suspension,
etc., of
assistance

- (a) the applicant or recipient is not or ceases to be entitled thereto or eligible therefor under this Act or the regulations;

(b)

- (b) the applicant or recipient fails to provide to the welfare administrator or his representative the information required to determine initial or continuing entitlement to or eligibility for assistance or the amount of the assistance; or
- (c) any other ground for refusal, suspension or cancellation specified in the regulations exists.

Opportunity
to make
submissions

- (3) Where practicable, a welfare administrator shall afford an applicant for or recipient of assistance prescribed as general in the regulations an opportunity to make submissions before suspension, cancellation or refusal of the assistance to show why such action should not be taken and *The Statutory Powers Procedure Act, 1971* does not apply to proceedings of a welfare administrator under this section.

1971, c. 47

R.S.O. 1970,
c. 192,
amended

- (3) *The General Welfare Assistance Act* is amended by adding thereto the following sections:

Application
for review

- 9a.—(1) Any applicant or recipient affected by a decision of a welfare administrator made under this Act or the regulations in respect of the payment of a class of assistance prescribed as general in the regulations may by notice mailed within thirty days after he receives notice of the decision to the chairman of the board of review established under *The Family Benefits Act* request a hearing and review of the decision by the board, and an applicant or recipient who so mails or delivers such request is entitled to a hearing by the board.

R.S.O. 1970,
c. 157

Extension of
time for
requesting
hearing

- (2) The board of review may extend the time for giving notice by an applicant or recipient under subsection 1, either before or after expiration or the time therein specified, where it is satisfied there are *prima facie* grounds for claiming relief pursuant to a hearing or for appeal and that there are reasonable grounds for applying for the extension.

Application
of R.S.O. 1970,
c. 157

- (3) Where an applicant or a recipient has filed a notice requesting a hearing under subsection 1, the provisions of sections 12, 13, 13a and 13c of *The Family Benefits Act* apply *mutatis mutandis* to a hearing and review by the board of review under this Act and appeals therefrom.

- 9b. A municipal welfare administrator or a regional welfare administrator may recover from a recipient any sum paid to him by way of assistance to which he was not entitled under this Act or in excess of any amount to which he was so entitled whether by reason of non-disclosure of facts, misrepresentation or fraud or for any other cause disentitling him to such assistance by reducing or suspending any assistance payable to the recipient or by proceedings to recover such sum as a debt due to the municipality or to the Crown, as the case may be, in any court of competent jurisdiction.

45.—(1) Sections 2 and 3 of *The Homes for Retarded Persons Act* are repealed and the following substituted therefor: R.S.O. 1970, c. 204, ss. 2, 3, re-enacted

2. Where the Lieutenant Governor in Council is satisfied that any corporation is, with financial assistance under this Act, financially capable of establishing, maintaining and operating a home for retarded persons and that its affairs are carried on under competent management in good faith for charitable purposes, he may approve such corporation for the purposes of this Act. Approval of corporations

- 3.—(1) Where the Lieutenant Governor in Council is satisfied that a building is suitable for providing accommodation as a home for retarded persons in accordance with this Act and the regulations, he may approve such building as a home for retarded persons for the maintenance and operation of which assistance may be given under this Act. Approval of homes

- (2) An approval given under subsection 1 may take effect on any date fixed by the Lieutenant Governor in Council that is prior to the date on which the approval is given, but in no case shall the date upon which the approval takes effect precede the date of the approval given under section 2 to the corporation maintaining and operating the home for retarded persons. Effective date of approval

(2) Section 10 of *The Homes for Retarded Persons Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 204, s. 10, re-enacted

- 10.—(1) Subject to this section, any approval given under this Act may be suspended by the Minister or revoked by the Lieutenant Governor in Council on the recommendation of the Minister if, Suspension and revocation of approvals

(a) any director, officer or servant of the approved corporation has contravened or knowingly permitted any person under his control and direction to contravene any provision of this Act or the regulations and such contravention occurred through lack of competence or with intent to evade the requirements of such provisions; or

(b) the approval would be refused if application were being made for it in the first instance.

Hearing

(2) Subject to subsection 6 and except where an approval is suspended or revoked with the consent of the approved corporation, before suspending or before recommending to the Lieutenant Governor in Council revocation of an approval given under this Act, the Minister shall cause a hearing as to whether the approval should be suspended or revoked to be held by a person, other than a person in the employment of the Department of Social and Family Services, appointed by the Minister.

Application
of 1971, c. 47

(3) Sections 4 to 16 and 21 to 24 of *The Statutory Powers Procedure Act, 1971* apply with respect to a hearing under this section.

Report to
Minister

(4) The person conducting a hearing under this section shall, at the conclusion of the hearing, make a report to the Minister setting out his findings of fact and any information or knowledge used by him in making his recommendations, any conclusions of law he has arrived at relevant to his recommendations, and his recommendations as to the suspension or revocation of the approval, and shall send a copy of his report to the persons affected.

Decision of
Minister

(5) After considering a report made to him under this section, the Minister may thereupon suspend or recommend revocation of the approval to which the report relates and shall give notice of his decision to the persons affected, specifying the reasons therefor.

Provisional
suspension
of approval

(6) Notwithstanding anything in this section, the Minister, by notice to the persons affected and without a hearing, may provisionally suspend an approval given under this Act where the continuation of operations in accordance with the approval is, in the Minister's opinion, an immediate threat to the

public interest and the Minister so states in such notice giving his reasons therefor, and thereafter the Minister shall cause a hearing to be held and the provisions of subsections 2 to 5 apply.

(3) Clause 1 of section 11 of *The Homes for Retarded Persons Act* is repealed. R.S.O. 1970, c. 204, s. 11, cl. 1, repealed

46. Section 18 of *The Homes for the Aged and Rest Homes Act* is repealed. R.S.O. 1970, c. 206, s. 18, repealed

47.—(1) Section 2 of *The Horticultural Societies Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 207, s. 2, re-enacted

2.—(1) Where any dispute arises as to the operation or construction of this Act, the Superintendent shall, after a hearing, decide such dispute. Disputes

(2) A party to a dispute under this section may appeal from a decision of the Superintendent to the Minister within fifteen days after receipt of the decision of the Superintendent and the Minister may, after considering the record of the proceedings before the Superintendent and affording to the parties an opportunity for an argument on the appeal, affirm, vary or annul the decision of the Superintendent. Appeal from decision of Superintendent

(3) The Superintendent or the Minister, as the case may be, may of his own motion, or upon the request of any party to a dispute or an appeal, state a case in writing to the Supreme Court setting forth any question of law that arises at the hearing or on the appeal and the facts material thereto. Stated case

(4) If the Superintendent or the Minister, as the case may be, refuses to state a case under this section, the party requesting it may apply to the Supreme Court for an order directing him to state such a case. Refusal to state case

(5) Where a case is stated under this section, the Supreme Court shall hear and determine the question raised in a summary manner and shall certify its decision to the Superintendent or the Minister, as the case may be, and the Superintendent or the Minister shall dispose of the dispute in accordance therewith. Decision of court

(2) Sections 21 and 22 of *The Horticultural Societies Act* are repealed and the following substituted therefor: R.S.O. 1970, c. 207, ss. 21, 22, re-enacted

Inspection
and inquiry

- 21.—(1) The Minister may appoint a person to inspect the books and accounts of any society receiving legislative grants under this Act or to inquire into the affairs of such society, and every officer of the society shall, when required by such person, make available the books and accounts thereof for the purpose of such inspection or inquiry.

Powers on
inquiry

1971, c. 49

- (2) A person appointed under subsection 1 has, for the purposes of an inspection or inquiry thereunder, the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to the inspection or inquiry as if it were an inquiry under that Act.

Fraud in
obtaining
prizes

- 22.—(1) Where the board of a society has reason to believe that any member or other person exhibiting a product at an exhibition at which prizes are offered by the society has committed a fraud or made any misrepresentation in respect of the product, the board may withhold payment or delivery of any prize money or other prize award to the member or person and the board shall, forthwith, furnish to him a written statement of its reasons for so doing.

Appeal

- (2) A member or other person from whom prize money or a prize award has been withheld by the board of a society under subsection 1 may appeal to a judge of the county or district court of the county or district in which the head office of the society is situate by filing a notice of appeal in the office of the clerk of the court and leaving a copy of the notice of appeal at the head office of the board within fifteen days after receipt of the statement of the reasons of the board furnished under subsection 1.

Parties

- (3) The appellant and the board from whose decision the appeal is taken are parties to an appeal under this section.

Hearing
de novo

- (4) An appeal to a judge under this section shall be held by way of a hearing *de novo*.

Decision
of judge

- (5) On an appeal under this section, the judge may affirm, vary or annul the decision of the board and may order the board to pay or deliver any prize money or prize award withheld by it under this section.

48. Sections 1 and 2 of *The Hospital and Charitable Institutions Inquiries Act* are repealed and the following substituted therefor: R.S.O. 1970, c. 210, s. 1, re-enacted; s. 2, repealed

1. Whenever the Lieutenant Governor in Council considers it expedient to cause inquiry to be made concerning any matter connected with or affecting a hospital, sanatorium, charitable institution or other organization that is granted aid out of moneys appropriated by the Legislature, he may, by commission, appoint one or more persons to conduct such inquiry, and every person so appointed has for that purpose the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. Inquiry 1971, c. 49

49. Section 3 of *The Industrial Standards Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 221, s. 3, re-enacted

3. Every officer has such powers and duties as are prescribed by this Act and the regulations and has authority to conduct inquiries and investigations respecting all matters coming within the scope of such powers and duties and, for such purposes, has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiries and investigations as if they were inquiries under that Act. Powers and duties of officers 1971, c. 49

50.—(1) *The Lakes and Rivers Improvement Act* is amended by adding thereto the following section: R.S.O. 1970, c. 233, amended

- 1a. The purpose of this Act is to provide for the use of waters of the lakes and rivers of Ontario and to regulate improvements in them, and to provide for: Exercise of powers under Act
 - (a) the preservation and equitable exercise of public rights in or over such waters;
 - (b) the protection of the interests of the riparian owners;
 - (c) the use, management and perpetuation of the fish, wildlife and other natural resources dependent on such waters;
 - (d) the preservation of the natural amenities of such waters and on the shores and banks thereof; and
 - (e)

- (e) ensuring the suitability of the location and nature of improvements in such waters, including their efficient and safe maintenance and operation and having regard to matters referred to in clauses *a*, *b*, *c* and *d*, their operation in a reasonable manner.

R.S.O. 1970,
c. 233, s. 2,
subs. 1, cl. c,
repealed

(2) Clause *c* of subsection 1 of section 2 of *The Lakes and Rivers Improvement Act* is repealed.

R.S.O. 1970,
c. 233, s. 2,
amended

(3) The said section 2 is amended by adding thereto the following subsection:

Penalty

- (3) Every person who contravenes any provision of this Act or the regulations is guilty of an offence and on summary conviction is liable, where no other penalty is provided in this Act, to a fine of not more than \$5,000.

R.S.O. 1970,
c. 233, s. 8,
amended

(4) Section 8 of *The Lakes and Rivers Improvement Act* is amended by adding thereto the following subsection:

Crown not
relieved of
liability
R.S.O. 1970,
c. 365

- (2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by any agent or servant of the Crown to which it would otherwise be subject, and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted.

R.S.O. 1970,
c. 233,
amended

(5) *The Lakes and Rivers Improvement Act* is amended by adding thereto the following sections:

Inquiry

- 8a.—(1) Subject to subsection 2, where under this Act the approval of the Minister is required for any matter, or where under this Act the Minister is empowered to make an order directing the construction, repair, improvement or removal of a dam in any lake or river or the doing of any other act or thing requiring the incurring of costs, the Minister shall, before refusing such an approval or making an order, give notice to the person seeking the approval or to the person to whom the proposed order will be directed of his intention to refuse the approval or to make the order, and if such person, within fifteen days of receipt of the notice, requests an inquiry, the Minister before refusing the approval or making the order shall cause an inquiry to be made under section 8b.

- (2) Where in the opinion of the Minister the making of an order referred to in subsection 1 is immediately necessary for the protection of persons from injury or property from damage or for the public safety and he so states in the order, the Minister may make such order without the holding of an inquiry. Where order necessary without hearing
- 8b.—(1) The Minister may appoint a person to hold an inquiry under section 8a and shall specify particulars of the inquiry and the person so appointed shall fix a time and place for the holding of the inquiry. Appointment of person to hold inquiry
- (2) The Minister and the person seeking the approval referred to in section 8a or to whom the proposed order referred to therein may be directed are parties to the inquiry, but any person having a direct interest in the subject-matter of the inquiry may notify the person holding the inquiry of his interest and become a party, and the person holding the inquiry may cause notice of the inquiry to be published or otherwise given in such manner as he considers reasonably adequate to inform all persons who may have direct interests in the subject-matter of the inquiry. Notice of inquiry
- (3) At least five days before the date fixed for the hearing, the Minister shall serve upon each other party to the inquiry a notice indicating the grounds upon which he intends to rely at the hearing and shall make available for inspection by the parties any documents, including maps and plans that the Minister proposes to use at the hearing. Notice of grounds
- (4) The person holding an inquiry under this section shall hold a hearing as to whether the refusal of approval or the proposed order is fair, sound and reasonably necessary for the achievement of the purposes of this Act. Holding of inquiry
- (5) A person holding an inquiry under this section shall report to the Minister pursuant to the inquiry giving a summary of the evidence and arguments advanced by the parties, his findings of fact and his opinion on the merits of the granting of approval or of the proposed order with his reasons therefor, and shall furnish a copy of his report to the other parties. Report of inquiry
- (6) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply with respect to a hearing under this section. Application of 1971, c. 47

Decision of
Minister

- (7) The Minister shall consider a report made to him under this section and may grant or refuse the requested approval or refrain from making or make the proposed order, with or without such modifications as he considers proper having regard to the report, and the Minister shall give reasons for his decision to the parties.

Appeal

- 8c. Upon the petition of a person who has been refused approval by the Minister of any matter or to whom an order is directed by the Minister after an inquiry under section 8b filed with the Clerk of the Executive Council within twenty-eight days after the date of the refusal or order, the Lieutenant Governor in Council may,

- (a) confirm, vary or rescind the refusal or order ; or
(b) require the Minister to cause a new inquiry to be held,

and the decision of the Minister after the new inquiry is not subject to petition under this section.

R.S.O. 1970,
c. 233, s. 10,
subs. 3,
re-enacted

- (6) Subsection 3 of section 10 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor :

Refusal of
approval
where
contrary to
purposes of
Act

- (3) The Minister may refuse to give his approval under this section to the location of a dam where it appears to him that the construction of a dam at that location would be contrary to any of the purposes of this Act.

R.S.O. 1970,
c. 233, s. 10,
subs. 5,
re-enacted

- (7) Subsection 5 of the said section 10 is repealed and the following substituted therefor :

Approval
of plans

- (5) The Minister may approve the plan and specifications of a dam as submitted to him or may approve them with such alterations as he considers advisable having regard to the purposes of this Act, and without limiting the generality of the foregoing, may require that the dam shall be provided with a fishway that will permit the free and unobstructed passage of fish.

R.S.O. 1970,
c. 233, s. 11,
subs. 2,
re-enacted

- (8) Subsection 2 of section 11 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor :

Order for
repair, etc.,
of dam

- (2) The Minister may, where he considers it necessary for any of the purposes of this Act, order the owner of a dam to which subsection 1 applies to repair, re-

construct

construct or remove the dam within the time specified in the order and, upon non-compliance with the order within the time limited, the Minister may repair, reconstruct or remove the dam to the extent that he considers it necessary to comply with the purposes of this Act, and the cost of any such work shall be a debt due by the owner to the Crown and is recoverable with costs in any court of competent jurisdiction.

(9) Section 12 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 233, s. 12, re-enacted

12. Where a dam has heretofore been or is hereafter constructed in a lake or river and it is proposed to make improvements to the dam, the improvements shall not be proceeded with until complete copies of the plans and specifications have been approved by the Minister as being in accordance with the purposes of this Act. Approval of plans

(10) Subsection 2 of section 13 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 233, s. 13, subs. 2, re-enacted

- (2) Upon failure on the part of the owner to furnish plans and other particulars required under subsection 1 within the time specified, the Minister may require the engineer to make an examination and report on the dam, and the expenses incurred in making the examination and report shall be a debt due by the owner to the Crown, and the amount thereof is recoverable with costs in any court of competent jurisdiction. Failure to furnish plans

(11) Subsection 5 of the said section 13 is repealed and the following substituted therefor: R.S.O. 1970, c. 233, s. 13, subs. 5, re-enacted

- (5) Upon non-compliance with the order within the time limited or in case the Minister considers that the repairs, improvements, opening up or removal ordered is immediately required in an emergency, the Minister may repair, improve, open up or remove the dam in so far as he considers it necessary to ensure the safety of the public or of persons whose lands or property may be endangered by the dam, and the cost of any such work is a debt due by the owner to the Crown, and the amount thereof is recoverable with costs in any court of competent jurisdiction. Effect of non-compliance with order

(12) Subsection 2 of section 14 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 233, s. 14, subs. 2, re-enacted

Non-compliance with order

- (2) Where the owner of a dam fails to comply with an order made under subsection 1 within the time specified in the order, the Minister may cause to be done whatever work is necessary to comply with the order, and the cost thereof is a debt due by the owner to the Crown and is recoverable with costs in any court of competent jurisdiction.

R.S.O. 1970, c. 233, s. 15, subss. 2, 3, re-enacted; subs. 4, repealed

- (13) Subsections 2, 3 and 4 of section 15 of *The Lakes and Rivers Improvement Act* are repealed and the following substituted therefor:

Repair or reconstruction

- (2) If the Minister considers it necessary or expedient for the purposes of this Act, he may, after the receipt of the report of the engineer, order the owner of the dam or other structure or work to repair, reconstruct or remove it to the extent necessary to comply with such purposes within the time specified in the order.

Non-compliance with order

- (3) Where the owner fails to comply with an order made under this section within the time specified in the order, the Minister may expropriate the site of the dam or other structure or work and all rights or interests incidental thereto on behalf of the Crown, and *The Expropriations Act* applies to such expropriation.

R.S.O. 1970, c. 154

R.S.O. 1970, c. 233, s. 16, subss. 1, cl. b, re-enacted; cl. c, repealed

- (14) Clauses *b* and *c* of subsection 1 of section 16 of *The Lakes and Rivers Improvement Act* are repealed and the following substituted therefor:

- (b) hinders or obstructs the engineer or an officer, servant or agent employed by or under the direction of the Minister in the performance of his duties under this Part, or refuses or neglects to provide any plans, accounts, documents or report relating to the construction of a dam when required by such engineer, officer, servant or agent.

R.S.O. 1970, c. 233, s. 18, re-enacted

- (15) Section 18 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor:

Disputes as to user

- 18.—(1) Where the Minister considers it expedient for the purposes of this Act or where a conflict or dispute arises between persons having a right to use a lake or river or any works or other improvements thereon for floating timber or between such persons and any other persons having the right to use a lake or river for any other purpose, the Minister may appoint an officer or officers to be in charge of the lake or river or any works or improvements thereon and the Minister may, on the recommendation of such officer or officers make orders to regulate

the use of the lake or river or any works or improvements thereon in such manner as seems best calculated to afford to persons having diverse interests on the lake or river or in the works or improvements a fair and reasonable use of the waters of the lake or river, but where any alterations of the level of international boundary waters is involved, such orders shall conform to any order or recommendation that the International Joint Commission may make under the terms and authority of the International Boundary Waters Treaty between Great Britain and the United States.

- (2) Every person who contravenes any order made ^{Penalty} under this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$50 for each day that he contravenes the order.

(16) Subsections 1 and 2 of section 19 of *The Lakes and Rivers Improvement Act* are repealed and the following substituted therefor: ^{R.S.O. 1970, c. 233, s. 19, subss. 1, 2, re-enacted}

- (1) Where a dam or other structure or work has been ^{Regulation of water levels} heretofore or is hereafter constructed on a lake or river and the Minister considers it necessary or expedient for the purposes of this Act, he may order the owner of the dam or other structure or work to take such steps within the time specified in the order as may be necessary to maintain the level of the water of the lake or river or to raise or lower such level as the order provides.

- (2) Where the owner fails to comply with an order made ^{Non-compliance with order} under this section within the time specified in the order, the Minister may cause to be taken such steps as are necessary to achieve the result intended by the order, and the cost thereof is a debt due by the owner to the Crown and is recoverable with costs in any court of competent jurisdiction.

(17) Section 20 of *The Lakes and Rivers Improvement Act* is ^{R.S.O. 1970, c. 233, s. 20, re-enacted} repealed and the following substituted therefor:

20. Subject to compensation being made as provided by ^{Removal of obstructions} *The Public Works Act* for any damage sustained by reason thereof, the Minister may authorize any engineer, agent, workman or servant employed by or under him to enter into and upon any land and remove any rocks, stones, gravel, slab or timber jam, dam or part of any dam, rubbish of any kind or other obstruction in any lake or river, the removal of which he considers necessary or expedient for the achievement of any of the purposes of this Act. ^{R.S.O. 1970, c. 393}

R.S.O. 1970,
c. 233,
ss. 26, 27,
repealed

(18) Sections 26 and 27 of *The Lakes and Rivers Improvement Act* are repealed.

R.S.O. 1970,
c. 233, s. 29,
subs. 6,
re-enacted

(19) Subsection 6 of section 29 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor:

Removal of
timber
causing
obstruction

- (6) Where the Minister considers it necessary or expedient for the purposes of this Act, he may order the owner of or the person who is responsible for driving any timber that has drifted out of control or that has caused an obstruction or hazard in a lake or river to recover and remove the timber within the time specified in the order and, in default thereof, the Minister may cause the timber to be recovered and removed, and the cost thereof is a debt due to the Crown by such owner or person and is recoverable with costs in any court of competent jurisdiction.

R.S.O. 1970,
c. 233, s. 34,
re-enacted

(20) Section 34 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor:

Throwing
trees, etc.,
in lake
prohibited

- 34.—(1) Where any tree, part of a tree, refuse, substance or matter has been thrown or deposited in a lake or river or on the shores or banks thereof in such a manner as, in the opinion of the Minister, impairs the natural beauty of the lake or river, the Minister may order the person who committed or caused the commission of such act to take such steps within the time specified in the order as are necessary to remove the tree, part of a tree, refuse, substance or matter from the lake or river or from the shores or banks thereof.

Penalty

- (2) Every person who fails to comply with an order under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$50 for each day that he does not comply with the order.

R.S.O. 1970,
c. 233, s. 36,
subs. 3,
re-enacted

(21) Subsection 3 of section 36 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor:

Order to
cease
depositing
matter in
lake, etc.

- (3) Where the Minister finds that any refuse, sawdust, chemical, substance or matter from a mill is being thrown, deposited or discharged into a lake or river or on the shores or banks thereof, the Minister may

order

order the owner or occupier of the mill to cause such throwing, depositing or discharging to cease and may in addition order, where in his opinion it is practicable to do so, that such owner or occupier take such steps within the time specified in the order as may be necessary to remove the refuse, sawdust, chemical, substance or matter from the lake or river or from the shores or banks thereof.

- (4) Every owner or occupier who fails to comply with an order under subsection 3 is guilty of an offence and on summary conviction is liable to a fine of not more than \$50 for each day that he does not comply with the order. Penalty

(22) Section 55 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 233, s. 55, re-enacted

55. The Minister may, with the approval of the Lieutenant Governor in Council, where the Lieutenant Governor in Council considers it expedient for the purposes of this Act, expropriate the works of any company formed under this Part. Expropriation of works of company

(23) Section 83 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 233, s. 83, re-enacted

83. Any party to an arbitration under this Part may appeal from the award or directions in writing of the arbitrator to the Supreme Court in accordance with the rules of court. Appeal

(24) Subsections 2 and 3 of section 90 and sections 91 to 102 of *The Lakes and Rivers Improvement Act* are repealed and the following substituted therefor: R.S.O. 1970, c. 233, s. 90, subss. 2, 3, repealed; s. 91, re-enacted; ss. 92-102, repealed

91. A person to whom section 90 applies may expropriate land for the purposes mentioned in section 90. Expropriation of land for purposes of s. 90

51.—(1) Subsection 1 of section 3 of *The Lightning Rods Act* is amended by striking out “if he is satisfied that the applicant is entitled to public confidence, may” in the sixteenth and seventeenth lines and inserting in lieu thereof “shall, subject to subsection 3”. R.S.O. 1970, c. 245, s. 3, subs. 1, amended

(2) Section 3 of *The Lightning Rods Act* is amended by adding thereto the following subsection: R.S.O. 1970, c. 245, s. 3, amended

- (3) The Fire Marshal may, after hearing the applicant, refuse to issue a licence under this section where, Refusal to issue

- (a) the applicant is not competent to install lightning rods properly ;
- (b) the lightning rods to be offered for sale, sold or installed under the licence are not of adequate quality or serviceability ; or
- (c) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on operations authorized by the licence in accordance with law and with integrity and honesty.

R.S.O. 1970,
c. 245, s. 4,
subs. 1,
amended

(3) Subsection 1 of section 4 of *The Lightning Rods Act* is amended by striking out "if he is satisfied that the person named is entitled to public confidence, may" in the twelfth and thirteenth lines and inserting in lieu thereof "shall, subject to subsection 3".

R.S.O. 1970,
c. 245, s. 4,
amended

(4) The said section 4 is amended by adding thereto the following subsection :

Refusal
to issue

(3) The Fire Marshal may, after hearing the applicant, refuse to issue a licence under this section where,

- (a) the applicant is not competent to install lightning rods properly ; or
- (b) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on operations authorized by the licence in accordance with law and with integrity and honesty.

R.S.O. 1970,
c. 245,
amended

(5) *The Lightning Rods Act* is amended by adding thereto the following section :

Continuation
of licence
pending
issue of
new licence

4a. Where, within the time prescribed therefor or, if no time is prescribed, prior to the expiry of his licence, the holder of a licence under this Act has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue,

- (a) until the renewal is granted ; or
- (b) until the application has been finally determined by the Fire Marshal, or where renewal is refused, until fourteen days after mailing of the decision of the Fire Marshal, or where application is made for a hearing by a judge, such later time as the judge may fix.

(6) Section 5 of *The Lightning Rods Act* is repealed and the following substituted therefor: R.S.O. 1970,
c. 245, s. 5,
re-enacted

- 5.—(1) The Fire Marshal may, after a hearing, suspend or revoke a licence if the licensee has contravened any provision of this Act or the regulations and his conduct affords reasonable grounds for belief that he will not comply with this Act and the regulations in the operations authorized by the licence. Suspension or
revocation
of licence
- (2) The notice of a hearing required under subsection 1 shall afford to the licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the retention of the licence. Notice of
hearing
- (3) An applicant or licensee shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be introduced or any report the contents of which will be given in evidence at the hearing. Examination
of
documentary
evidence

(7) Section 6 of *The Lightning Rods Act* is repealed and the following substituted therefor: R.S.O. 1970,
c. 245, s. 6,
re-enacted

- 6.—(1) Where an applicant or licensee, as the case may be, is dissatisfied with a decision of the Fire Marshal under section 3, 4 or 5, he may, within ten days after receipt of the notice of the decision, apply to the judge of the county or district court of the county or district in which he resides for a hearing by the judge. Application
for hearing
by county
judge
- (2) A judge to whom application is made for a hearing under subsection 1 may extend the time for making the application, either before or after expiration of the time fixed in subsection 1, where he is satisfied that there are *prima facie* grounds for granting relief to the applicant pursuant to a hearing and that there are reasonable grounds for applying for the extension and may give such directions as he considers proper consequent upon the extension. Extension of
time for
application
- (3) The oral evidence taken before the judge at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the county court. Recording
of evidence

Findings
of fact

- (4) The findings of fact of a judge pursuant to a hearing under this section shall be based exclusively on evidence admissible under the law of evidence or matters that may be judicially noticed.

Powers
of judge

- (5) On an application under subsection 1, the judge may, after a hearing *de novo* to which the applicant, the Fire Marshal and such other persons as the judge may specify are parties, confirm, vary or reverse the decision of the Fire Marshal and may direct the Fire Marshal to do any act the Fire Marshal is authorized to do under this Act and as the judge considers proper.

Appeal to
court

- 6a.—(1) Any party to the proceedings before a judge under this Act may appeal from the decision or direction of the judge to the Supreme Court in accordance with the rules of court.

Record to be
filed in court

- (2) Where notice of an appeal is served under this section, the judge shall forthwith file in the Supreme Court the record of the proceedings before him in which the decision was made or direction was given which, together with the transcript of the evidence before the judge if it is not part of the record of the judge, shall constitute the record in the appeal.

Fire Marshal
entitled
to be heard

- (3) The Fire Marshal is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Powers of
court

- (4) The Supreme Court may affirm the decision of the judge appealed from or may rescind it and make such new decision as the court considers proper, and may order the Fire Marshal to do any act or thing he is authorized to do under this Act and as the court considers proper or the court may refer the matter back to the judge for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

R.S.O. 1970,
c. 245, s. 10,
amended

- (8) Section 10 of *The Lightning Rods Act* is amended by adding thereto the following subsections:

Hearing

- (3) Where a licensee is dissatisfied with the report of an inspector under subsection 1, he may, within ten days after receipt of the report, request the Fire Marshal to hold a hearing.

- (4) Pursuant to a request under subsection 1, the Fire ^{Parties} Marshal shall hold a hearing to determine whether the inspector's report is proper and the inspector, licensee and such other persons as the Fire Marshal may specify are parties to the proceedings.
- (5) After a hearing under this section, the Fire Marshal ^{Decision of Fire Marshal} may confirm, vary or reverse the report of the inspector and may direct the inspector to do any act the inspector is authorized to do under this Act and as the Fire Marshal considers proper.

52.—(1) Section 1 of *The Live Stock and Live Stock Products Act* is amended by relettering clause *a* as clause *aa* ^{R.S.O. 1970, c. 251, s. 1, amended} and by adding thereto the following clauses:

- (a) "Board" means the Live Stock and Live Stock Products Licence Review Board established by this Act;

- (da) "licence" means a licence required under the regulations.

(2) *The Live Stock and Live Stock Products Act* is amended ^{R.S.O. 1970, c. 251, amended} by adding thereto the following sections:

2a.—(1) Where a licence to deal in any live stock or live stock product is required under the regulations, the Commissioner shall issue a licence to a person who makes application therefor in accordance with the regulations and pays the prescribed fee unless, after a hearing, he is of opinion that,

- (a) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the operations that would be authorized by the licence will not be carried on in accordance with law; or
- (b) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations or the conditions under which the licence is issued.

- (2) Subject to section 2b, the Commissioner shall renew ^{Renewal} a licence on application therefor by the licensee in accordance with the regulations and payment of the prescribed fee.

(2b)

Refusal
to renew,
suspension
or cancel-
lation

2b.—(1) The Commissioner may refuse to renew or may suspended or cancel a licence if after a hearing he is of opinion that,

- (a) the premises, facilities and equipment used in the operations authorized by the licence do not comply with the regulations;
- (b) the licensee or, where the licensee is a corporation, any officer, director or servant thereof has contravened or has permitted any person under his control or direction in connection with the operations authorized by the licence to contravene any provision of this Act or the regulations or of any other Act or the regulations thereunder or of any law applying to the carrying on of the operations authorized by the licence or of the conditions under which the licence was issued and such contravention warrants such refusal to renew, suspension or cancellation of the licence; or
- (c) any other ground for refusal to renew, suspension or cancellation specified in the regulations exists.

Provisional
suspension,
etc.

(2) Notwithstanding subsection 1, the Commissioner, by notice to a licensee and without a hearing, may provisionally refuse to renew or suspend the licensee's licence where in the Commissioner's opinion it is necessary to do so for the immediate protection of the safety or health of any person or the public and the Commissioner so states in such notice giving his reasons therefor, and thereafter the Commissioner shall hold a hearing to determine whether renewal of the licence should be refused or whether the licence should be further suspended or cancelled under this Act and the regulations.

Continuation
of licence
pending
renewal

(3) Subject to subsection 2, where within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for a renewal of his licence and paid the prescribed fee, and has observed or carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the Commissioner on his application for renewal.

Notice of
hearing

2c.—(1) Notice of a hearing by the Commissioner under section 2a or 2b shall afford to the applicant

or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

- (2) An applicant or licensee who is a party to proceedings in which the Commissioner holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence
- 2d. Where the Commissioner has refused to issue or renew or has suspended or cancelled a licence pursuant to a hearing, he may, at any time of his own motion or on the application of the person who was the applicant or licensee, vary or rescind his decision, but the Commissioner shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and the regulations. Variation of decision by Commissioner
- 2e.—(1) A board to be known as the “Live Stock and Live Stock Products Licence Review Board” is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council none of whom are members of the public service in the employ of the Department of Agriculture and Food, and who shall, subject to subsection 2, hold office during pleasure. Review Board established
- (2) A member of the Board shall hold office for not more than five consecutive years. Term of office
- (3) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman. Chairman
- (4) A majority of the members of the Board constitutes a quorum. Quorum
- (5) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine. Remuneration
- 2f.—(1) Where the Commissioner refuses to issue or renew or suspends or cancels a licence, the applicant or licensee may by written notice delivered to the Commissioner and filed with the Board within fifteen Appeal to Board
days

days after receipt of the decision of the Commissioner appeal to the Board.

Extension of
time for
appeal

- (2) The Board may extend the time for the giving of notice by an applicant or licensee under subsection 1, either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension.

Powers of
Board

- (3) Where an applicant or licensee appeals to the Board under this section, the Board shall hear the appeal by way of a hearing *de novo* to determine whether the licence should be issued, renewed, suspended or cancelled and may, after the hearing, confirm or alter the decision of the Commissioner or direct the Commissioner to do any act he is authorized to do under this Act and the regulations and as the Board considers proper and, for such purpose, the Board may substitute its opinion for that of the Commissioner.

Effect of
decision
pending
disposal of
appeal

- (4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Commissioner, unless the Commissioner otherwise directs, the decision of the Commissioner is effective until the appeal is disposed of.

Parties

- 2g.—(1) The Commissioner, the appellant and such other persons as the Board may specify are parties to proceedings before the Board under this Act.

Members
making
decision
not to
have taken
part in
investiga-
tion, etc.

- (2) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording
of evidence

- (3) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

- (4) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. ^{Findings of fact} 1971, c. 47
- (5) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision. ^{Only members at hearing to participate in decision}
- 2h.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Supreme Court in accordance with the rules of court. ^{Appeal to court}
- (2) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section. ^{Minister entitled to be heard}
- (3) The chairman of the Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board, if it is not part of the Board's record, shall constitute the record in the appeal. ^{Record to be filed in court}
- (4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Board or direct the Commissioner to do any act he is authorized to do under this Act or may refer the matter back to the Board for reconsideration by the Board as the court considers proper and the court may substitute its opinion for that of the Commissioner or the Board. ^{Powers of court on appeal}
- (5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of. ^{Effect of decision of Board pending disposal of appeal}
- (3) Subsection 1 of section 4 of *The Live Stock and Live Stock Products Act* is amended by adding at the commencement thereof "Subject to subsection 4". ^{R.S.O. 1970, c. 251, s. 4, subs. 1, amended}
- (4) The said section 4 is amended by adding thereto the following subsections: ^{R.S.O. 1970, c. 251, s. 4, amended}

Power to
enter
dwelling
R.S.O. 1970,
c. 450

- (4) Except under the authority of a warrant under section 16 of *The Summary Convictions Act*, an inspector shall not enter any part of a dwelling without the consent of the occupant.

Appeal from
decision of
inspector

- (5) Where an inspector has,
- (a) delayed the shipment of any live stock or live stock products under clause *e* of subsection 1;
 - (b) refused to inspect or mark or give a certificate under clause *f* of subsection 1; or
 - (c) seized or detained any live stock or live stock products under clause *g* of subsection 1,

he shall immediately notify the owner and the owner may appeal to the Commissioner from the decision of the inspector.

Decision
of Com-
missioner

- (6) The Commissioner may, after hearing an appeal under this section, confirm or revoke the decision appealed from and may direct the inspector to do any act he is authorized to do under this Act and the regulations.

Parties

- (7) The appellant, the inspector who made the decision and such other persons as the Commissioner may specify are parties to proceedings before the Commissioner under subsection 6.

How
appeal
made

- (8) An appeal under this section may be made in writing or orally or by telephone to the Commissioner, but the Commissioner may require the grounds for appeal to be specified in writing before the hearing.

R.S.O. 1970,
c. 253, s. 1,
amended

53.—(1) Section 1 of *The Live Stock Community Sales Act* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause:

- (a) “Board” means the Live Stock Community Sales Licence Review Board established by this Act.

R.S.O. 1970,
c. 253,
amended

(2) *The Live Stock Community Sales Act* is amended by adding thereto the following sections:

Issue of
licence

3a.—(1) The Director shall issue a licence to a person who makes application therefor in accordance with

this

this Act and the regulations and pays the prescribed fee unless, after a hearing, he is of opinion that,

- (a) the applicant or, where the applicant is a corporation, its officers or directors, is or are not competent to engage in the business of operating community sales;
- (b) having regard to the applicant's financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of the business of operating community sales;
- (c) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the business of operating community sales pursuant to the licence will not be carried on in accordance with law and with honesty and integrity;
- (d) the applicant does not possess or will not have available all premises, facilities and equipment necessary to engage in the business of operating community sales in accordance with this Act and the regulations; or
- (e) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations.

(2) Subject to section 3*b*, the Director shall renew a ^{Renewal} licence on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee.

3*b*.—(1) The Director may refuse to renew or may sus- ^{Refusal to renew, suspension and revocation} pend or revoke a licence if, after a hearing, he is of opinion that,

- (a) the licensee is not or has not been financially responsible in the conduct of the business of operating community sales pursuant to the licence;
- (b) the premises, facilities and equipment used in the business of operating community sales pursuant to the licence do not comply with this Act and the regulations;

(c)

- (c) there are reasonable grounds for belief that the business of operating community sales pursuant to the licence is not carried on in accordance with honesty and integrity;
- (d) the licensee or, where the licensee is a corporation, any officer, director or servant thereof has contravened or has permitted any person under his control or direction in connection with his business of operating community sales to contravene any provision of this Act or the regulations or of any other Act or the regulations thereunder or of any law applying to the carrying on of the business of operating community sales and such contravention warrants such refusal to renew, suspension or revocation of the licence; or
- (e) any other ground for refusal to renew, suspension or revocation specified in the regulations exists.

Provisional
suspension,
etc.

- (2) Notwithstanding subsection 1, the Director, by notice to a licensee and without a hearing, may provisionally refuse to renew or may suspend the licensee's licence where in the Director's opinion it is necessary to do so for the immediate protection of the safety or health of any person or animal or of the interests of persons consigning animals for sale to the licensee and the Director so states in such notice giving his reasons therefor, and thereafter the Director shall hold a hearing to determine whether renewal of the licence should be refused or whether the licence should be further suspended or revoked under this Act or the regulations.

Continuation
of licence
pending
renewal

- (3) Subject to subsection 2, where within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for a renewal of his licence and paid the prescribed fee and observed or carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the Director on his application for renewal.

Notice of
hearing

- 3c.—(1) The notice of a hearing by the Director under section 3a or 3b shall afford the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

- (2) An applicant or licensee who is a party to proceedings in which the Director holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence
- 3d. Where the Director has refused to issue or renew or has suspended or revoked a licence pursuant to a hearing he may, at any time of his own motion or on the application of the person who was the applicant or licensee, vary or rescind his decision, but the Director shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and the regulations. Variation of decision by Director
- 3e.—(1) A board to be known as the “Live Stock Community Sales Licence Review Board” is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council none of whom are members of the public service in the employ of the Department of Agriculture and Food, and who shall, subject to subsection 2, hold office during pleasure. Review Board established
- (2) A member of the Board shall hold office for not more than five consecutive years. Term of office
- (3) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman. Chairman
- (4) A majority of the members of the Board constitutes a quorum. Quorum
- (5) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine. Remuneration
- 3f.—(1) Where the Director refuses to issue or renew or suspends or revokes a licence, the applicant or licensee may by written notice delivered to the Director and filed with the Board within fifteen days after receipt of the decision of the Director appeal to the Board. Appeal to Board
- (2) The Board may extend the time for the giving of notice by an applicant or licensee under subsection 1, Extension of time for appeal

either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension.

Powers of
Board

- (3) Where an applicant or licensee appeals to the Board under this section, the Board shall hear the appeal by way of a hearing *de novo* to determine whether the licence should be issued, renewed, suspended or revoked and may after the hearing confirm or alter the decision of the Director or direct the Director to do any act he is authorized to do under this Act and the regulations and as the Board considers proper and, for such purpose, the Board may substitute its opinion for that of the Director.

Effect of
decision
pending
disposal
of appeal

- (4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Director, unless the Director otherwise directs, the decision of the Director is effective until the appeal is disposed of.

Parties

- 3g.—(1) The Director, the appellant and such other persons as the Board may specify are parties to the proceedings before the Board under this Act.

Members
making
decision
not to
have taken
part in
investiga-
tion, etc.

- (2) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording
of evidence

- (3) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings
of fact

- (4) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

- (5) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

3h.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Supreme Court in accordance with the rules of court.

- (2) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

- (3) The chairman of the Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board if it is not part of the Board's record, shall constitute the record in the appeal.

- (4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Board or direct the Director to do any act he is authorized to do under this Act or may refer the matter back to the Board for reconsideration by the Board as the court considers proper and the court may substitute its opinion for that of the Director or the Board.

- (5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of.

(3) Subsection 1 of section 12 of *The Live Stock Community Sales Act* is repealed and the following substituted therefor:

- (1) Subject to subsection 1a, the Director or an inspector or a veterinarian may enter any premises for the purposes of enforcing this Act.

- (1a) Except under the authority of a warrant under section 16 of *The Summary Convictions Act*, the Director or an inspector or a veterinarian shall not enter any part of a dwelling without the consent of the occupant.

R.S.O. 1970,
c. 253, s. 14,
cl. c,
repealed

(4) Clause *c* of section 14 of *The Live Stock Community Sales Act* is repealed.

R.S.O. 1970,
c. 257, s. 4,
re-enacted

54.—(1) Section 4 of *The Loggers' Safety Act* is repealed and the following substituted therefor:

Officers

4. There shall be an officer known as the chief officer and such other officers as are considered necessary for the administration of this Act and their duties shall be to ensure compliance with and to enforce the provisions of this Act and the regulations.

R.S.O. 1970,
c. 257, s. 5,
re-enacted

(2) Section 5 of *The Loggers' Safety Act* is repealed and the following substituted therefor:

Power
of entry

5. An officer may enter any land, building or other premises used for or in connection with logging at any reasonable hour for the purpose of carrying out his duties under this Act.

R.S.O. 1970,
c. 257, s. 7,
re-enacted

(3) Section 7 of *The Loggers' Safety Act* is repealed and the following substituted therefor:

Stop-work
orders

7.—(1) Where an officer is of opinion that any provision of this Act or the regulations relating to safety in logging or in work in connection with logging is being contravened, he may give to the person so contravening or to his supervisor or foreman or to the operator or any of them such order in writing as is necessary to ensure compliance with such provision, and such order shall specify that it shall be carried out forthwith or before the expiry of such period as is specified therein, and,

(a) where the order specifies that it be carried out forthwith, all work or the part thereof specified in the order, other than such work as is necessary to carry out the order with safety, shall stop until the order is complied with; or

(b) where the order specifies the period within which it is to be carried out and it is not carried out within that period, all work or the part thereof specified in the order, other than such work as is necessary to carry out the order with safety, shall stop until the order is complied with.

Appeal

(2) Every person to whom an order of an officer under this section is directed, the operator employing such person or any person acting on behalf of the operator who is dissatisfied with the order may appeal to the district forester for the forestry district in which the

logging

logging or work to which the order relates is carried on who shall hear the appeal and may by order affirm, vary or rescind the order of the officer.

- (3) The appellant from an order made under this section ^{Parties} and the officer making the order are parties to an appeal under this section.
- (4) An appeal under this section may be made in writing or orally or by telephone to the district forester, but the district forester may require the grounds for appeal to be specified in writing before the hearing. ^{How appeal to be made}
- (5) An order made by an officer under this section is binding and effective, notwithstanding that an appeal has been brought, until varied or rescinded by the district forester. ^{Order binding}
- (6) Every person to whom an order of an officer or ^{Penalty} district forester is directed under this section,
 - (a) who contravenes or who knowingly permits any person under his direction and control to contravene such order; or
 - (b) who carries on work or who knowingly permits any person under his direction or control to carry on work in contravention of subsection 1,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$100 a day for every day upon which the contravention continued.

55.—(1) Section 12 of *The Marriage Act* is repealed and the following substituted therefor: ^{R.S.O. 1970, c. 261, s. 12, re-enacted}

- 12.—(1) An applicant for a licence who has been previously married is entitled to be issued a licence if such marriage has been dissolved or annulled and such dissolution or annulment is recognized under the law of Ontario and the applicant otherwise complies with the requirements of this Act. ^{Where dissolution of former marriage recognized in Ontario}
- (2) Subject to subsection 6, no issuer shall issue a licence to a person whose previous marriage has been dissolved or annulled in Canada unless such person ^{Material to be filed with issuer where dissolution in Canada} deposits with the issuer,

(a)

- (a) the final decree or judgment dissolving or annulling the marriage or a copy of the final decree or judgment or Act dissolving or annulling the marriage, certified by the proper officer; and

- (b) such other material as the issuer may require.

Where dissolution, etc., outside Canada

- (3) Subject to subsection 6, no issuer shall issue a licence to a person whose previous marriage has been dissolved or annulled elsewhere than in Canada, unless the authorization in writing of the Provincial Secretary is obtained upon the deposit of such material as he may require.

Review of repeal to issue licence

- (4) Where an application for a licence by a person claiming to be entitled to be issued a licence under subsection 1 is refused by an issuer, or the Provincial Secretary refuses to issue an authorization under subsection 3, such person may make an application for judicial review under *The Judicial Review Procedure Act, 1971* to the Supreme Court for an order directing that a licence be issued to him and if the court finds that he is so entitled it may make such an order.

1971, c. 48

Parties

- (5) The applicant, the Provincial Secretary and such other persons as the court may order are parties to an application under subsection 4.

Issue of licence under court order

- (6) Where an applicant for a licence files with an issuer, together with his application, an order of the Supreme Court made on an application under subsection 4 directing that a licence be issued to him, the issuer shall issue the licence.

R.S.O. 1970, c. 261, s. 36, subs. 2, par. 6, re-enacted

- (2) Paragraph 6 of subsection 2 of section 36 of *The Marriage Act* is repealed and the following substituted therefor:

- 6. Any documentary or other material filed on the application for a licence under section 12.

R.S.O. 1970, c. 266, s. 1, amended

- 56.**—(1) Section 1 of *The Meat Inspection Act (Ontario)* is amended by adding thereto the following clauses:

- (aa) “Board” means the Meat Inspection Licence Review Board established by this Act;

(da)

(*da*) "licence" means a licence under this Act ;

(2) Subsections 2 and 3 of section 3 of *The Meat Inspection Act (Ontario)* are repealed.

R.S.O. 1970,
c. 266, s. 3,
subss. 2, 3,
repealed

(3) *The Meat Inspection Act (Ontario)* is amended by adding thereto the following sections :

R.S.O. 1970,
c. 266,
amended

3a.—(1) The Director shall issue a licence to a person who makes application therefor in accordance with this Act and the regulations and pays the prescribed fee unless, after a hearing, he is of opinion that,

Licence,
issue

- (a) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the business of operating a plant pursuant to the licence will not be carried on in accordance with law ;
- (b) the applicant does not possess or will not have available all premises, facilities and equipment necessary to engage in the business of operating a plant in accordance with this Act and the regulations ; or
- (c) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations.

(2) Subject to section 3b, the Director shall renew a licence on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee.

Renewal

3b.—(1) The Director may refuse to renew or may suspend or revoke a licence if, after a hearing, he is of opinion that,

Refusal to
renew,
suspension
or revocation

- (a) the premises, facilities and equipment used in the business of operating a plant pursuant to the licence do not comply with this Act and the regulations ;
- (b) the licensee or, where the licensee is a corporation, any officer, director or servant thereof, has contravened or has permitted any

person

person under his control or direction in connection with his business of operating a plant, to contravene any provision of this Act or the regulations or of any other Act or the regulations thereunder, or of any law applying to the carrying on of the business of operating a plant or the conditions for licensing and such contravention warrants such refusal to renew, suspension or revocation of the licence; or

- (c) any other ground for refusal to renew, suspension or revocation specified in the regulations exists.

Provisional
suspension,
etc.

- (2) Notwithstanding subsection 1, the Director, by notice to a licensee and without a hearing, may provisionally refuse to renew or suspend the licensee's licence where in the Director's opinion it is necessary to do so for the immediate protection of the safety or health of any person or animal or the public and the Director so states in such notice giving his reasons therefor, and thereafter the Director shall hold a hearing to determine whether renewal of the licence should be refused or whether the licence should be further suspended or revoked under this Act and the regulations.

Continuation
of licence
pending
renewal

- (3) Subject to subsection 2, where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for a renewal of his licence and paid the prescribed fee, and has observed or carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the Director on his application for renewal.

Notice of
hearing

- 3c.—(1) The notice of a hearing by the Director under section 3a or 3b shall afford to the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

Examination
of docu-
mentary
evidence

- (2) An applicant or licensee who is a party to proceedings in which the Director holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

- 3d. Where the Director has refused to issue or renew or ^{Variation of decision by Director} has suspended or revoked a licence pursuant to a hearing, he may, at any time of his own motion or on the application of the person who was the applicant or licensee, vary or rescind his decision, but the Director shall not vary or rescind his decision adversely to the interest of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and the regulations.
- 3e.—(1) A board to be known as the “Meat Inspection ^{Review Board} Licence Review Board” is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council none of whom are members of the public service in the employ of the Department of Agriculture and Food and who shall, subject to subsection 2, hold office during pleasure.
- (2) A member of the Board shall hold office for not ^{Term of office} more than five consecutive years.
- (3) The Lieutenant Governor in Council may appoint ^{Chairman} one of the members of the Board as chairman and another of the members as vice-chairman.
- (4) A majority of the members of the Board constitutes ^{Quorum} a quorum.
- (5) The members of the Board shall receive such re- ^{Remuneration} munerations and expenses as the Lieutenant Governor in Council may determine.
- 3f.—(1) Where the Director refuses to issue or renew or ^{Appeal to Board} suspends or revokes a licence, the applicant or licensee may by written notice delivered to the Director and filed with the Board within fifteen days after receipt of the decision of the Director appeal to the Board.
- (2) The Board may extend the time for the giving of ^{Extension of time for appeal} notice by an applicant or licensee under subsection 1, either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension.
- (3) Where an applicant or licensee appeals to the ^{Powers of Board} Board under this section, the Board shall hear

the appeal by way of a hearing *de novo* to determine whether the licence should be issued, renewed, suspended or revoked and may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act he is authorized to do under this Act and as the Board considers proper and, for such purpose, the Board may substitute its opinion for that of the Director.

Effect of
decision
pending
disposal
of appeal

- (4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Director, unless the Director otherwise directs, the decision of the Director is effective until the appeal is disposed of.

Parties

- 3g.—(1) The Director, the appellant and such other persons as the Board may specify are parties to the proceedings before the Board under this Act.

Members
making
decision
not to
have taken
part in
investiga-
tion, etc.

- (2) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording
of evidence

- (3) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings
of fact

- (4) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. 47

Only
members
at hearing
to participate
in decision

- (5) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

- 3*h*.—(1) Any party to the hearing before the Board may ^{Appeal to court} appeal from the decision of the Board to the Supreme Court in accordance with the rules of court.
- (2) The Minister is entitled to be heard, by counsel ^{Minister entitled to be heard} or otherwise, upon the argument of an appeal under this section.
- (3) The chairman of the Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board if it is not part of the Board's record, shall constitute the record in the appeal. ^{Record to be filed in court}
- (4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Board or direct the Director to do any act he is authorized to do under this Act or may refer the matter back to the Board for reconsideration by the Board as the court considers proper, and the court may substitute its opinion for that of the Director or the Board. ^{Powers of court on appeal}
- (5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of. ^{Effect of decision of Board pending disposal of appeal}

(4) Subsection 3 of section 4 of *The Meat Inspection Act* (Ontario), is amended by adding at the commencement thereof "Subject to subsection 4". ^{R.S.O. 1970, c. 266, s. 4, subs. 3, amended}

(5) The said section 4 is amended by adding thereto the following subsection: ^{R.S.O. 1970, c. 266, s. 4, amended}

- (4) Except under the authority of a warrant under section 16 of *The Summary Convictions Act*, the Director or an inspector shall not enter any part of a dwelling without the consent of the occupant. ^{Power to enter dwelling}
^{R.S.O. 1970, c. 450}

57. Subsection 1 of section 11 of *The Mental Hospitals Act* is repealed and the following substituted therefor: ^{R.S.O. 1970, c. 270, s. 11, subs. 1, re-enacted}

Inquiry
by Deputy
Minister

- (1) Where the Deputy Minister is authorized by the Minister to institute an inquiry into the management or affairs of an institution, or into any matter in connection therewith, or into the truth of any returns made by any officer thereof, the Deputy Minister has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to the inquiry as if it were an inquiry under that Act.

1971, c. 49

R.S.O. 1970,
c. 274, s. 17,
subs. 1,
repealed

- 58.**—(1) Subsection 1 of section 17 of *The Mining Act* is repealed.

R.S.O. 1970,
c. 274, s. 34,
subs. 1, 3,
re-enacted

- (2) Subsections 1 and 3 of section 34 of *The Mining Act* are repealed and the following substituted therefor:

Revocation
of licence

- (1) Where the Commissioner finds, after a hearing, that a licensee has been guilty of a wilful contravention of any of the provisions of this Act or the regulations, the Minister may, on the recommendation of the Commissioner, revoke the licence of the licensee and a licence shall not thereafter be issued to such licensee without the authority of the Minister.

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Suspension
of licence

- (3) Where a recorder finds, after a hearing, that a licensee has contravened any of the provisions of this Act or the regulations, the Minister may, upon the recommendation of the recorder, suspend the licence of the licensee.

R.S.O. 1970,
c. 274, s. 34,
amended

- (3) The said section 34 is amended by adding thereto the following subsection:

Appeal

- (6) A finding by the Commissioner that a licensee has wilfully contravened this Act or the regulations or by a recorder that a licensee has contravened this Act or the regulations, as the case may be, may be appealed in a like manner as any decision of the Commissioner or recorder, respectively, and the Minister shall give effect to the decision on the appeal.

R.S.O. 1970,
c. 274, s. 99,
subs. 3,
amended

- (4) Subsection 3 of section 99 of *The Mining Act* is amended by striking out "148" in the fourth line and inserting in lieu thereof "144a".

R.S.O. 1970,
c. 274, s. 101,
subs. 1,
re-enacted

- (5) Subsection 1 of section 101 of *The Mining Act* is repealed and the following substituted therefor:

(1)

- (1) Where the surface rights of land have been granted, sold, leased or located with reservation of mines, minerals or mining rights to the Crown, or where land is occupied by a person who has made improvements thereon that in the opinion of the Minister entitles him to compensation, a licensee who prospects for mineral or stakes out a mining claim or an area of land for a boring permit or carries on mining operations upon such land shall compensate the owner, lessee, locatee or occupant for all injury or damage that is or may be caused to the surface rights by such prospecting, staking out or operations, and in default of agreement the amount and the manner and time of payment of compensation shall be determined by the Commissioner after a hearing, and, subject to appeal to the Supreme Court where the amount awarded exceeds \$1,000, his order is final.

Right of
owner of
surface
rights to
compensation

(6) Subsection 7 of section 127 of *The Mining Act* is repealed.

R.S.O. 1970,
c. 274, s. 127,
subs. 7,
repealed

(7) Part VII of *The Mining Act* is amended by adding thereto the following section:

R.S.O. 1970,
c. 274,
Part VII
(ss. 127-133),
amended

127a.—(1) The Minister may refuse to renew or may suspend or revoke a quarry permit on the grounds that,

Suspension,
etc., of
permit

- (a) the permittee has contravened any provision of this Part;
- (b) no operations have been carried on under the permit for a continuous period of more than six months;
- (c) the permittee is not employing equipment that in the opinion of the Minister is proper and suitable for the operations pursuant to the permit; or
- (d) the Minister considers the continuation of operations under the permit to be contrary to the public interest,

but, subject to subsection 8, before so doing he shall give the permittee notice of his intention to refuse to renew or to suspend or revoke the permit, together with written reasons therefor.

Notice
requiring
hearing

- (2) A notice under subsection 1 shall inform the permittee that he is entitled to a hearing by the Mining Commissioner if he mails or delivers a notice in writing requiring such hearing to the Minister within fifteen days after the notice under subsection 1 is served on him, and the Minister, on receipt of a notice requiring a hearing, shall refer the matter to the Commissioner for a hearing.

Powers of
Minister
where no
hearing

- (3) Where a permittee does not require a hearing by the Commissioner in accordance with subsection 2, the Minister may carry out the intention stated in his notice under subsection 1.

Hearing

- (4) Pursuant to a reference by the Minister under this section, the Commissioner shall hold a hearing as to whether the permit to which the hearing relates should be renewed or should be suspended or revoked, as the case may be, and the permittee and such other persons as the Commissioner may specify are parties to the hearing.

Application
of 1971, c. 47

- (5) Sections 6 to 16 and sections 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply in respect of a hearing under this section.

Report to
Minister

- (6) The Commissioner shall, at the conclusion of a hearing under this section, make a report to the Minister setting out his findings of fact and any information or knowledge used by him in reaching his recommendations, any conclusions of law he has arrived at relevant to his recommendations, and his recommendations as to the renewal, suspension or revocation of the permit to which the hearing relates, as the case may be, and shall send a copy of his report to the permittee to whom it relates.

Decision of
Minister

- (7) After considering the report of the Commissioner under this section, the Minister may thereupon renew or refuse to renew, or suspend or revoke or refrain from suspending or revoking the permit to which the report relates and shall give notice of his decision to the permittee specifying the reasons therefor.

Provisional
suspension,
etc., of
permit

- (8) Notwithstanding anything in this section, the Minister, by notice to a permittee and without a hearing, may provisionally refuse renewal of or suspend the permittee's permit, where in the Minister's opinion the continuation of operations under the permit is in contravention of this Act, will cause damage to

property

property, or is an immediate threat to the public interest, and the Minister so states in the notice, giving his reasons therefor, and thereafter the Minister shall refer the matter to the Commissioner and subsections 3 to 6 apply and the provisional refusal or suspension terminates when the Minister's decision under subsection 6 becomes effective unless sooner terminated by the Minister.

(8) Subsection 3 of section 134 of *The Mining Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 274, s. 134,
subs. 3,
re-enacted

(3) Where the Commissioner is unable to perform his duties because of illness, absence or for any other reason,

Acting Commissioner

(a) the Minister may in writing appoint a person to exercise the powers of the Commissioner to make orders under section 95, but such person has only such powers of the Commissioner as are necessary for that purpose; or

(b) the Lieutenant Governor in Council may appoint a person to act in the stead of the Commissioner to perform the duties and exercise all the powers of the Commissioner under this Act.

(9) Section 137 of *The Mining Act* is repealed.

R.S.O. 1970,
c. 274, s. 137,
repealed

(10) Clause *c* of subsection 1 of section 142 of *The Mining Act* is repealed.

R.S.O. 1970,
c. 274, s. 142,
subs. 1, cl. *c*,
repealed

(11) Subsection 1 of section 143 of *The Mining Act* is amended by striking out "146" in the second line and inserting in lieu thereof "144a".

R.S.O. 1970,
c. 274, s. 143,
subs. 1,
amended

(12) Subsection 5 of the said section 143 is amended by striking out "146" in the second line and inserting in lieu thereof "144a".

R.S.O. 1970,
c. 274, s. 143,
subs. 5,
amended

(13) Sections 144, 145, 146, 147, 148 and 149 of *The Mining Act* are repealed and the following substituted therefor:

R.S.O. 1970,
c. 274,
ss. 144-149,
re-enacted

144.—(1) The recorder may give directions for the conduct and carrying on of proceedings before him, and in so doing he shall adopt the cheapest and simplest methods of determining the questions arising before

Directions
as to conduct
of
proceedings

him

him that afford to all interested parties an adequate opportunity of knowing the issues in the proceedings and of presenting material and making representations on their behalf.

Reasons for
decision

- (2) The recorder shall give reasons for any decision made by him in proceedings before him.

Enforcement
of decision

- (3) A copy of the final decision of a recorder may be filed in the office of the Registrar of the Supreme Court under section 19 of *The Statutory Powers Procedure Act, 1971*, which applies thereto.

1971, c. 47

Application
of 1971, c. 47

- (4) Except as provided in subsection 3, *The Statutory Powers Procedure Act, 1971* does not apply to proceedings before the recorder.

Appeal to
Com-
missioner

- 144a.—(1) A person affected by a decision of or by any act or thing, whether ministerial, administrative or judicial, done, or refused or neglected to be done by a recorder may appeal to the Commissioner.

Appeal by
Director

- (2) An appeal under subsection 1 may be taken by the Director or the Supervisor on his behalf where, in the opinion of the Minister, the public interest is affected, and no fee prescribed in the Schedule in respect of the appeal is payable by the Director or Supervisor.

How appeal
instituted

- (3) An appeal to the Commissioner shall be by notice in writing in the prescribed form, filed in the office of the recorder from whom the appeal is being taken and served upon all parties interested within fifteen days from the entry of the decision on the books of the recorder or the doing by the recorder of the act or thing appealed from, or within such further period of not more than fifteen days as the Commissioner may allow, but if the notice of appeal has been filed with the recorder within such time and the Commissioner is satisfied that it is a proper case for appeal and that after reasonable effort any of the parties entitled to notice could not be served within such time, the Commissioner may extend the time for appealing and make such order for substitutional or other service as he considers just, or if a person affected has not been notified as provided in sections 99 and 143, and appears to have suffered substantial injustice and has not been guilty of undue delay, the Commissioner may allow such person to appeal.

- (4) The notice of appeal shall contain or have endorsed upon it an address in Ontario at which the appellant may be served with any notice or document relating to the appeal, and any such notice or document is sufficiently served upon the appellant if it is left with a grown-up person at such address or, where no such person can there be found, if sent by registered mail addressed to the appellant at such address. Service of notice of appeal
- (5) If no address for service is given as provided in subsection 4, any such notice or document may be served upon the appellant by posting it up in the recorder's office. Where no address for service

145. The Commissioner shall determine,

Hearing

- (a) an appeal from a recorder, after a hearing by way of a hearing *de novo*; and
- (b) a dispute referred to in section 65 or a claim, question, dispute or other matter within his jurisdiction after a hearing,

pursuant to an appointment fixing the time and place for the hearing.

146.—(1) Application to the Commissioner for an appointment for a hearing may be made by any party to the proceeding and may be verbal or written or may be *ex parte* or upon such notice to such persons as the Commissioner may direct. Application for appointment for hearing

- (2) The Commissioner may fix such time for a hearing as will permit the matter to be disposed of as promptly as possible, allowing adequate time to the parties to prepare their cases but, unless all parties consent thereto, the hearing shall be held not less than ten days after service of the appointment for the hearing on the parties. Time for hearing
- (3) The Commissioner shall select as the place for a hearing such place as he considers most convenient for the parties in the county or district or one of the counties or districts in which the lands or mining rights affected are situate unless it appears to him desirable that the hearing should be in some other county or district. Place for hearing

Leave for
hearing

- (4) In any matter or proceeding, other than an appeal, the Commissioner may, if a certificate of record has been issued, require the applicant for an appointment to satisfy him that there is reasonable ground for the application or, in any such case or in any case where leave to take the proceeding is necessary, may give the appointment or leave only upon such terms as to security for costs or otherwise as he considers just.

Service of
appointment
for hearing

- 147.—(1) The Commissioner shall cause a copy of an appointment for a hearing before him to be served upon all parties, which shall, except in the case of an appeal or a dispute under section 65, state briefly the particulars of the right or question in issue or of the dispute.

Hearing
may proceed
in absence
of party

- (2) The appointment shall state that if a person has been served and does not attend the hearing, the Commissioner may proceed in his absence and he is not entitled to notice of any further proceedings.

Service
deemed
compliance
with
1971, c. 47

- (3) Service by registered mail of the appointment and of the notice, if any, required under subsection 1 shall be a sufficient compliance with section 6 of *The Statutory Powers Procedure Act, 1971*.

Directions of
Com-
missioner re
proceedings

- 148.—(1) Sections 146 and 147 apply notwithstanding *The Statutory Powers Procedure Act, 1971* and, subject to that Act, the Commissioner may,

- (a) give directions for having any matter or proceeding heard and decided without unnecessary formality;
- (b) order the filing or serving of statements, particulars, objections or answers, the production of documents and things, and the making of amendments;
- (c) give such other directions respecting the procedure and hearing as he considers proper;
- (d) make any appointment, notice or other proceeding returnable forthwith or at such time as he considers proper; and
- (e) order or allow such substituted or other service as he considers proper.

- (2) The Commissioner may take or order the evidence ^{Taking of evidence} of any witness to be taken at any place in or out of Ontario.
149. Notwithstanding *The Statutory Powers Procedure Act*, ^{Decision of Commissioner} 1971, the Commissioner may hear and dispose of any application not involving the final determination of ^{1971, c. 47} the matter or proceeding, either *ex parte* or on notice, at any place he considers convenient, and his decision upon any such application is final and is not subject to appeal but, where the Commissioner makes his decision *ex parte*, he may subsequently reconsider and amend such decision.
- (14) Part VIII of *The Mining Act* is amended by adding ^{R.S.O. 1970, c. 274, Part VIII (ss. 134-168), amended} thereto the following section:
- 151a. Where the Commissioner receives any opinion, ^{Disclosure of evidence to parties} report or evidence under section 150 or 151 in any proceeding before him, the opinion, report or evidence shall be disclosed to the parties to the proceeding who, if they so request, shall be afforded an opportunity of cross-examining the person expressing the opinion, making the report or giving the evidence.
- (15) Section 156 of *The Mining Act* is repealed and the ^{R.S.O. 1970, c. 274, s. 156, re-enacted} following substituted therefor:
156. The evidence taken before the Commissioner shall ^{Recording of evidence} be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.
- (16) Subsection 2 of section 160 of *The Mining Act* is ^{R.S.O. 1970, c. 274, s. 160, subs. 2, re-enacted} repealed and the following substituted therefor:
- (2) The order or judgment of the Commissioner, with the evidence, exhibits, the statement, if any, of view or of special knowledge or skill, and the reasons for his decision shall be filed in the office of the recorder of the division in which the property in question or part of it is situate or, where section 22 applies, with the Deputy Minister, and the recorder or Deputy Minister shall forthwith give notice in writing of the filing by registered mail or otherwise to the solicitors of the parties appearing by solicitor and to parties not represented by a solicitor.

R.S.O. 1970,
c. 274,
Part VIII
(ss. 134-168),
amended
Stay of
proceedings

(17) Part VIII of *The Mining Act* is further amended by adding thereto the following section:

1971, c. 47

162a. Where a certified copy of a final decision of a recorder has been filed in the office of the Registrar of the Supreme Court under section 19 of *The Statutory Powers Procedure Act, 1971*, the Commissioner or the court or a judge thereof may stay proceedings therein if an appeal from the decision is brought until final disposition of the appeal.

R.S.O. 1970,
c. 274, s. 164,
re-enacted

(18) Section 164 of *The Mining Act* is repealed and the following substituted therefor:

Time for
appeal

R.S.O. 1970,
c. 25

164.—(1) Except in the case of a reference under section 140 or *The Arbitrations Act*, the order or judgment of the Commissioner is final and conclusive unless, where an appeal lies, it is appealed from within fifteen days after the filing thereof in accordance with section 160, or within such further period of not more than fifteen days as the Commissioner or a judge of the Supreme Court may allow.

Notice of
appeal

(2) The appeal shall be begun by filing a notice of appeal with the recorder with whom the order or judgment appealed from is filed under section 160 or, where section 22 applies, with the Deputy Minister, paying to him the prescribed fee and filing the notice of appeal with the Registrar of the Supreme Court and, unless the notice of appeal is filed with the Registrar of the Supreme Court and a certificate of such filing is lodged with the recorder or Deputy Minister within five days after the expiration of such fifteen days, or any further time allowed under subsection 1, the appeal shall be deemed to be abandoned.

Transmission
of documents

(3) The recorder or, where section 22 applies, the Deputy Minister shall, forthwith after the filing of the notice of appeal and payment of the prescribed fee, transmit by registered mail or by express to the office of the Registrar of the Supreme Court, Toronto, the order or judgment appealed from and all the exhibits, papers and documents filed therewith.

Extension
order

(4) Where the time for appealing is extended under subsection 1, the appellant shall forthwith transmit the order for the extension or a duplicate thereof by registered mail to the recorder, or where section 22 applies, to the Deputy Minister.

- (5) The practice and procedure on an appeal including ^{Practice} the form of notice of appeal, service of the notice of appeal on the parties, and the disposition of costs on an appeal, shall be governed by the rules of court.

(19) Section 165 of *The Mining Act* is repealed and the following substituted therefor: ^{R.S.O. 1970, c. 274, s. 165, re-enacted}

165.—(1) No proceedings by way of an application for ^{Judicial review} judicial review under *The Judicial Review Procedure Act, 1971*, or, except in proceedings provided for under this Act, by way of other proceedings whatsoever, may be brought to call into question, ^{1971, c. 48}

(a) any decision made or purporting to have been made by a recorder under this Act, more than thirty days after entry of the decision by the recorder in the books of his office;

(b) any order or judgment given or made or purporting to have been given or made by the Commissioner under this Act, more than thirty days after filing of the order or judgment of the Commissioner in accordance with section 160; or

(c) the validity of any act or thing done or purporting to have been done under this Act by the recorder or by any other officer appointed under this Act, more than thirty days after the time when such act or thing was done.

(2) Notwithstanding anything in *The Judicial Review Procedure Act, 1971*, no court may extend any limitation of time fixed in subsection 1. ^{No extension of time}

(20) Section 166 of *The Mining Act* is repealed and the following substituted therefor: ^{R.S.O. 1970, c. 274, s. 166, re-enacted}

166. Where the validity of a proceeding before the Commissioner or a recorder is called into question in any court on the ground of any defect of form or substance or failure to comply with this Act or the regulations, notwithstanding that such defect or failure is established, the court shall not, if no substantial wrong or injustice has been thereby done or occasioned, invalidate the proceeding by reason thereof, but shall confirm the proceeding, and, upon

such

such confirmation, the proceeding shall be and be deemed to have been valid and effective from the time when it would otherwise have been effective but for such defect or failure.

R.S.O. 1970,
c. 274, Part X,
amended

(21) Part X of *The Mining Act* is amended by adding thereto the following section:

Reference
for hearing
and report

623a.—(1) Before refusing to renew, or suspending, cancelling or revoking a refinery licence or certificate of exemption under section 623, the Minister shall refer the matter to a person appointed by him for a hearing and report.

Hearing

(2) Where a matter is referred by the Minister under subsection 1, the person appointed shall hold a hearing as to whether the refinery licence or certificate of exemption to which the hearing relates should be renewed or should be suspended, cancelled or revoked, as the case may be, and the licensee or certificate holder and such other persons as the person holding the hearing may specify are parties to the hearing.

Application
of 1971, c. 47

(3) Sections 6 to 16 and sections 21, 22 and 23 of *The Statutory Powers Procedure Act, 1971* apply in respect of a hearing under this section.

Report

(4) The person holding a hearing under this section shall, at the conclusion of the hearing, make a report to the Minister setting out his findings of fact and any information or knowledge used by him in reaching his recommendations, any conclusions of law he has arrived at relevant to these recommendations, and his recommendations as to the renewal, suspension, cancellation or revocation of the refinery licence or certificate of exemption, as the case may be, and shall send a copy of his report to the licensee or certificate holder to whom it relates.

Decision of
Minister

(5) After considering a report made under this section, the Minister shall thereupon decide whether or not to refuse to renew or to suspend, cancel or revoke the refinery licence or certificate of exemption to which the report relates, and shall give notice of his decision to the licensee or certificate holder specifying the reasons therefor.

R.S.O. 1970,
c. 274, s. 627,
re-enacted

(22) Section 627 of *The Mining Act* is repealed and the following substituted therefor:

627. The Minister may appoint any person to conduct an inquiry into any charge or complaint that a person has contravened any of the provisions of this Part or into any matter or thing connected with or arising out of the operation of this Part, and such person, for the purposes of the inquiry, has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. Inquiry of complaints 1971, c. 49

(23) Clause *d* of subsection 1 of section 646 of *The Mining Act* is repealed. R.S.O. 1970, c. 274, s. 646, subs. 1, cl. d, repealed

(24) Subsection 3 of section 652 of *The Mining Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 274, s. 652, subs. 3, re-enacted

- (3) An order made under this section shall be served in such manner as the Commissioner directs. Service of order

- (3a) If a co-owner, upon whom an order made under subsection 1 has been served, disputes his liability to his co-owner or otherwise to make any payment under the order or the amount thereof, he may, within the time limited by the order for making the payment, apply to the Commissioner for a hearing and the Commissioner shall, after a hearing, determine the dispute and may affirm, amend or rescind the order or make such other order as he considers just, and, if the Commissioner orders that a payment be made, he may fix the time for payment thereof. Dispute as to liability

- (3b) Where the time for payment fixed by an order made under subsection 1 has expired and no application for determination of a dispute has been made, or where the time fixed by an order made under subsection 3a has expired, and where such additional time, if any, as has been granted by the Commissioner has expired, if it is proved to the satisfaction of the Commissioner that the payment has not been made, he may make an order vesting the interest of the delinquent co-owner or co-owners in the lands or mining rights to which the payment relates in the co-owner or co-owners who has or have paid the rents or made the expenditure. Vesting order

(25) Section 666 of *The Mining Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 274, s. 666, re-enacted

666. —(1) Any person claiming an interest in any lands or mining rights entered on the tax roll or whose name Commissioner may settle dispute

has

has been entered on the tax roll, as being liable to the acreage tax or who disputes the amount of the tax levied on any lands or mining rights in which he has an interest may apply to the Commissioner to determine whether such lands and mining rights are or whether he is liable to the acreage tax and to be entered on the tax roll or the amount of the tax payable, and the Commissioner shall hear and determine such matter.

Minister
to be
party

- (2) The Minister is a party to any proceedings before the Commissioner under this section.

Omissions
from tax
roll

- (3) The Minister may refer to the Commissioner for hearing and adjudication any question or dispute as to whether any mining rights or lands have or any person has been wrongfully omitted from the tax roll.

R.S.O. 1970,
c. 274, s. 667,
subs. 3,
re-enacted

- (26) Subsection 3 of section 667 of *The Mining Act* is repealed and the following substituted therefor:

Service of
order

- (3) An order made under this section shall be served in such manner as the Commissioner may direct.

Disputes
as to
liability

- (3a) If a co-owner, upon whom an order made under subsection 1 has been served, disputes his liability to his co-owner or otherwise to make any payment under the order or the amount thereof, he may, within the time limited by the order for making the payment, apply to the Commissioner for a hearing and the Commissioner shall hear and determine the dispute and may affirm, amend or rescind the order or make such other order as he considers just, and, if the Commissioner orders that a payment be made, he may fix the time for payment thereof.

Vesting
order

- (3b) Where the time for payment fixed by an order made under subsection 1 has expired and no application for determination of a dispute has been made, or where the time fixed by an order made under subsection 3a has expired, and where such additional time, if any, as has been granted by the Commissioner has expired, if it is proved to the satisfaction of the Commissioner that the payment has not been made, he may make an order vesting the interest of the delinquent co-owner or co-owners in the lands or mining rights to which the payment relates in the co-owner or co-owners who has or have paid the taxes.

59.—(1) Section 1 of *The Mortgage Brokers Act* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clauses: R.S.O. 1970,
c. 278, s. 1,
amended

(a) “business premises” does not include a dwelling;

(ba) “dwelling” means any premises or any part thereof occupied as living accommodation.

(2) Sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 of *The Mortgage Brokers Act* are repealed and the following substituted therefor: R.S.O. 1970,
c. 278, ss. 5-7,
re-enacted;
ss. 8-20,
repealed

5.—(1) An applicant is entitled to registration or re-
newal of registration by the Registrar except where, Registration
of mortgage
brokers

(a) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of his business; or

(b) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on business in accordance with law and with integrity and honesty; or

(c) the applicant is a corporation and,

(i) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of its business, or

(ii) the past conduct of its officers or directors affords reasonable grounds for belief that its business will not be carried on in accordance with law and with integrity and honesty; or

(d) the applicant is carrying on activities that are, or will be, if the applicant is registered, in contravention of this Act or the regulations.

(2) A registration is subject to such terms and conditions to give effect to the purposes of this Act as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations. Conditions of
registration

Refusal to
register

6.—(1) Subject to section 7, the Registrar may refuse to register an applicant where in the Registrar's opinion the applicant is disentitled to registration under section 5.

Revocation

(2) Subject to section 7, the Registrar may refuse to renew or may suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 5 if he were an applicant, or where the registrant is in breach of a term or condition of the registration.

Notice of
proposal
to refuse
or revoke

7.—(1) Where the Registrar proposes to refuse to grant or renew a registration or proposes to suspend or revoke a registration, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or registrant.

Notice
requiring
hearing

(2) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Tribunal, and he may so require such a hearing.

Powers of
Registrar
where no
hearing

(3) Where an applicant or registrant does not require a hearing by the Tribunal in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1.

Powers of
Tribunal
where
hearing

(4) Where an applicant or registrant requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Registrar.

Conditions
of order

(5) The Tribunal may attach such terms and conditions to its order or to the registration as it considers proper to give effect to the purposes of this Act.

Parties

(6) The Registrar, the applicant or registrant who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.

(7) Notwithstanding subsection 1, the Registrar may ^{Voluntary cancellation} cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration.

(8) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his registration, a registrant has applied for renewal of his registration and paid the prescribed fee, his registration shall be deemed to continue, ^{Continuation of registration pending renewal}

(a) until the renewal is granted; or

(b) where he is served with notice that the Registrar proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired and, where a hearing is required, until the Tribunal has made its order.

(9) Notwithstanding that a registrant appeals from an order of the Tribunal under section 9b of *The Department of Financial and Commercial Affairs Act*, ^{Order of Tribunal effective, stay R.S.O. 1970, c. 113} the order takes effect immediately but the Tribunal may grant a stay until disposition of the appeal.

(3) Clause a of subsection 1 of section 24 of *The Mortgage Brokers Act* is repealed and the following substituted therefor: ^{R.S.O. 1970, c. 278, s. 24, subs. 1, cl. a, re-enacted}

(a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of the person being inspected that are relevant for the purposes of the inspection; and

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(4) Section 25 of *The Mortgage Brokers Act* is repealed and the following substituted therefor: ^{R.S.O. 1970, c. 278, s. 25, re-enacted}

25. The Minister may by order appoint a person to make an investigation into any matter to which this Act applies as may be specified in the Minister's order and the person appointed shall report the result of his investigation to the Minister and, for the purposes of the investigation, the person making it has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under that Act. ^{Investigations on order of Minister 1971, c. 49}

Investiga-
tions by
Director

25a.—(1) Where, upon a statement made under oath, the Director believes on reasonable and probable grounds that any person has,

(a) contravened any of the provisions of this Act or the regulations;

(b) committed an offence under the *Criminal Code* (Canada) or under the law of any jurisdiction that is relevant to his fitness for registration under this Act;

(c) by any false, misleading or deceptive statement or advertisement, representation or promise, or by any dishonest concealment of material facts, induced or attempted to induce any person to borrow money or to be responsible for the repayment thereof or to agree to the terms of any transaction with respect to money lent on the security of a mortgage; or

(d) induced or attempted to induce any person to pay or be responsible for the payment of excessive or exorbitant fees or expenses in connection with a loan on the security of a mortgage,

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulation or the commission of such an offence or such conduct has occurred and the person appointed shall report the result of his investigation to the Director.

Powers of
investigator

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may,

(a) upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, papers, documents and things relevant to the subject-matter of the investigation; and

(b) inquire into negotiations, transactions, loans, borrowings made by or on behalf of or in relation to such person and into property, assets or things owned, acquired or alienated

in

in whole or in part by him or any person acting on his behalf that are relevant to the subject-matter of the investigation,

and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act*, 1971, c. 49, 1971, which Part applies to such inquiry as if it were an inquiry under that Act.

- (3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation. Obstruction of investigator
- (4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, papers, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night. Search warrant
- (5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, papers, documents or things examined under clause *a* of subsection 2 or subsection 4 relating to the person whose affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out with reasonable dispatch and the books, papers or documents in question shall be promptly thereafter returned to the person whose affairs are being investigated. Removal of books, etc.

Admissibility
of copies

- (6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents.

Appointment
of experts

- (7) The Minister or Director may appoint any expert to examine books, papers, documents or things examined under clause *a* of subsection 2 or under subsection 4.

Matters
confidential

- 25*b*.—(1) Every person employed in the administration of this Act, including any person making an inquiry, inspection or an investigation under section 22, 23, 24, 25 or 25*a* shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except,

- (*a*) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations; or
- (*b*) to his counsel; or
- (*c*) with the consent of the person to whom the information relates.

Testimony
in civil suit

- (2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceedings with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act or the regulations.

R.S.O. 1970,
c. 278, s. 26,
subs. 1,
re-enacted

- (5) Subsection 1 of section 26 of *The Mortgage Brokers Act* is repealed and the following substituted therefor:

Order to
refrain
from
dealing with
assets

- (1) Where,

- (*a*) an investigation of any person has been ordered under section 25*a*; or
- (*b*) criminal proceedings or proceedings in relation to a contravention of any Act or regulation are about to be or have been instituted against a person that are connected with or arise out

of the business in respect of which such person is registered,

the Director, if he believes it advisable for the protection of clients or customers of the person referred to in clause *a* or *b* may, in writing or by telegram, direct any person having on deposit or under control or for safekeeping any assets or trust funds of the person referred to in clause *a* or *b* to hold such assets or trust funds or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such assets or trust funds from any person having any of them on deposit or under control or for safekeeping or to hold such assets or any trust funds of clients, customers or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act*, *The Business Corporations Act* or the *Winding-up Act* (Canada) or until the Director revokes or the Tribunal cancels such direction or consents to the release of any particular assets or trust funds from the direction but, in the case of a bank, loan or trust company, the direction only applies to the office, branches or agencies thereof named in the direction.

R.S.O. 1970,
cc. 228, 89, 53

R.S.C. 1952,
cc. 14, 296

(6) The said section 26 is amended by adding thereto the following subsection:

R.S.O. 1970,
c. 278, s. 26,
amended

(5) Any person referred to in clause *a* or *b* of subsection 1 in respect of whom a direction has been given by the Director under subsection 1 or any person having an interest in land in respect of which a notice has been registered under subsection 4 may, at any time, apply to the Tribunal for cancellation in whole or in part of the direction or registration and the Tribunal shall dispose of the application after a hearing and may, if it finds that such a direction or registration is not required in whole or in part for the protection of clients or customers of the applicant or of other persons interested in the land or that the interests of other persons are unduly prejudiced thereby, cancel the direction or registration in whole or in part, and the applicant, the Director and such other persons as the Tribunal may specify are parties to the proceedings before the Tribunal.

Cancellation
of direction
or
registration

(7) Section 28 of *The Mortgage Brokers Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 278, s. 28,
re-enacted

False
advertising

28. Where the Registrar believes on reasonable and probable grounds that a mortgage broker is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material and section 7 applies *mutatis mutandis* to the order in the same manner as to a proposal by the Registrar to refuse registration and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final.

R.S.O. 1970,
c. 278, s. 29,
subs. 2,
re-enacted

(8) Subsection 2 of section 29 of *The Mortgage Brokers Act* is repealed and the following substituted therefor:

Where
service
deemed
to be
made

(2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

R.S.O. 1970,
c. 278, s. 32,
cl. d,
amended

(9) Clause *d* of section 32 of *The Mortgage Brokers Act* is amended by striking out "or to any such person, document or material" in the second and third lines.

R.S.O. 1970,
c. 304, s. 1,
amended

60.—(1) Section 1 of *The Oleomargarine Act* is amended by relettering clause *a* as clause *ad* and by adding thereto the following clauses:

(a) "chief inspector" means the chief inspector appointed under this Act;

R.S.O. 1970,
c. 273

(ab) "Commission" means The Milk Commission of Ontario established by *The Milk Act*;

(ac) "licence" means a licence under this Act.

R.S.O. 1970,
c. 304, s. 6,
subs. 1,
re-enacted

(2) Subsection 1 of section 6 of *The Oleomargarine Act* is repealed and the following substituted therefor:

Licence
required

(1) No person shall manufacture or sell by wholesale oleomargarine without a licence therefor from the chief inspector.

R.S.O. 1970,
c. 304,
amended

(3) *The Oleomargarine Act* is amended by adding thereto the following sections:

6a.—(1) The chief inspector shall issue a licence to a person who makes application therefor in accordance with this Act and the regulations and pays the prescribed fee unless, after a hearing,

Licence,
issue

(a) he finds that,

(i) the applicant was previously the holder of a licence and such licence was cancelled under this Act, or

(ii) the applicant or, where the applicant is a corporation, any officer or director thereof or any person who will be associated with the applicant in the operations pursuant to the licence was convicted of an offence under this Act,

and in his opinion the grounds for such cancellation or conviction warrant a refusal to issue the licence; or

(b) he is of opinion that,

(i) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the business that would be authorized by the licence will not be carried on in accordance with law, or

(ii) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations.

(2) Subject to section 6b, the chief inspector shall renew a licence on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee.

Renewal

6b.—(1) The chief inspector may refuse to renew or may suspend or cancel a licence if, after a hearing, he finds that,

Refusal
to renew,
suspension
or cancel-
lation

(a) the licensee or, where the licensee is a corporation, any officer, director or servant thereof, has contravened or has permitted any person under his control or direction or associated with him in connection with his or its operations as a licensee to contravene any provision of this Act or the regulations or a term or condition of the licence or has been

convicted

convicted of an offence under this Act and such contravention or conviction in his opinion warrants such refusal to renew, suspension or cancellation of the licence; or

- (b) any other ground for refusal to renew, suspension or cancellation specified in the regulations exists.

Provisional
suspension,
etc.

- (2) Notwithstanding subsection 1, the chief inspector, by notice to a licensee and without a hearing, may provisionally refuse to renew or suspend the licensee's licence where in the opinion of the chief inspector it is necessary to do so for the immediate protection of the safety or health of any person or the public and he so states in such notice giving his reasons therefor, and thereafter the chief inspector shall hold a hearing to determine whether renewal of the licence should be refused or whether the licence should be further suspended or cancelled under this Act and the regulations.

Continuation
of licence
pending
renewal

- (3) Subject to subsection 2, where, within the time prescribed or, if no time is prescribed, before expiry of his licence, a licensee has applied for a renewal of his licence and has paid the prescribed fee and observed or carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the chief inspector on his application for renewal.

Notice of
hearing

- 6c.—(1) The notice of a hearing by the chief inspector under section 6a or 6b shall afford the applicant or licensee reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

Examination
of docu-
mentary
evidence

- (2) An applicant or licensee who is a party to proceedings in which the chief inspector holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Variation
of decision
by chief
inspector

- 6d. Where the chief inspector has refused to issue or renew or has suspended or cancelled a licence pursuant to a hearing, he may, at any time of his own motion or on the application of the person who was

the applicant or licensee, vary or rescind his decision, but he shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and the regulations.

- 6e.—(1) Where the chief inspector refuses to issue or renew, or suspends or cancels a licence, the applicant or licensee may, by written notice delivered to the chief inspector and filed with the Commission within fifteen days after receipt of the decision of the chief inspector, appeal to the Commission. Appeal to Commission
- (2) The Commission may extend the time for the giving of notice by an applicant or licensee under subsection 1, either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension. Extension of time for appeal
- (3) Where an applicant or licensee appeals to the Commission under this section, the Commission shall hear the appeal by way of a hearing *de novo* to determine whether the licence should be issued, renewed, suspended or cancelled and may, after the hearing, confirm or alter the decision of the chief inspector or direct the chief inspector to do any act he is authorized to do under this Act and as the Commission considers proper and, for such purpose, the Commission may substitute its opinion for that of the chief inspector. Powers of Commission
- (4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the chief inspector, unless the chief inspector otherwise directs, the decision of the chief inspector is effective until the appeal is disposed of. Effect of decision pending disposal of appeal
- 6f.—(1) The chief inspector, the appellant and such other persons as the Commission may specify are parties to the proceedings before the Commission under this Act. Parties
- (2) Members of the Commission assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation, etc. Members making decision not to have taken part in investigation, etc.

tion to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording
of evidence

- (3) The oral evidence taken before the Commission at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings
of fact

- (4) The findings of fact of the Commission pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. 47

Only
members
at hearing
to participate
in decision

- (5) No member of the Commission shall participate in a decision of the Commission pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Commission shall be given unless all members so present participate in the decision.

Appeal
to court

- 6g.—(1) Any party to proceedings before the Commission may appeal from the decision of the Commission to the Supreme Court in accordance with the rules of court.

Minister
entitled to
be heard

- (2) The Minister is entitled to be heard by counsel or otherwise on the argument of an appeal under this section.

Record to
be filed
in court

- (3) The chairman of the Commission shall certify to the Registrar of the Supreme Court the record of the proceedings before the Commission which, together with a transcript of the evidence before the Commission, if it is not part of the Commission's record, shall constitute the record in the appeal.

Powers of
court on
appeal

- (4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Commission or direct the chief inspector to do any act he is authorized to do under this Act or may refer the matter back to the Commission for reconsideration by

the

the Commission as the court considers proper and the court may substitute its opinion for that of the chief inspector or the Commission.

- (5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Commission, unless the Commission otherwise directs, the decision of the Commission is effective until the appeal is disposed of.
- Effect of decision of Commission pending disposal of appeal

(4) Subsection 1 of section 8 of *The Oleomargine Act* is repealed and the following substituted therefor:

R.S.O. 1970, c. 304, s. 8, subs. 1, re-enacted

- (1) The Lieutenant Governor in Council may appoint a chief inspector and such inspectors and analysts as are considered necessary for the administration and enforcement of this Act and the regulations.
- Inspectors, appointment

61.—(1) *The Ontario Food Terminal Act* is amended by adding thereto the following section:

R.S.O. 1970, c. 313, amended

- 12a. Where the Board refuses an approval requested under section 12, the applicant for approval may appeal from the decision of the Board to the Minister who, after affording the applicant an opportunity to make representations, may confirm, rescind or alter the decision of the Board as the Minister considers proper, and the decision of the Minister is final.
- Appeal to Minister

(2) Section 14 of *The Ontario Food Terminal Act* is amended by adding thereto the following subsection:

R.S.O. 1970, c. 313, s. 14, amended

- (2) No rule hereafter made under subsection 1 takes effect until it is approved by the Minister.
- Approval of Minister

62.—(1) Section 6 of *The Ontario Highway Transport Board Act* is repealed and the following substituted therefor:

R.S.O. 1970, c. 316, s. 6, re-enacted

- 6.—(1) The chairman may authorize one member of the Board to hear and dispose of any application or reference to the Board, and such member may exercise all the powers of the Board with respect to the hearing and disposal of such application or reference.
- One member may be authorized to hear application

- (2) Any decision or report of a member of the Board made under subsection 1 shall be deemed to be a decision or report of the Board for the purposes of this Act.
- Decision of member

R.S.O. 1970,
c. 316, s. 10,
repealed

(2) Section 10 of *The Ontario Highway Transport Board Act* is repealed.

R.S.O. 1970,
c. 316, s. 12,
subs. 1,
re-enacted

(3) Subsection 1 of section 12 of *The Ontario Highway Transport Board Act* is repealed and the following substituted therefor:

Members of
Board not
personally
liable

(1) No member of the Board and no officer, agent or employee of the Board is personally liable for anything done by him in good faith under the authority of this Act or the regulations.

Crown not
relieved of
liability
R.S.O. 1970,
c. 365

(1a) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort to which it would otherwise be subject, and the Crown is liable under that Act for any tort in a like manner as if subsection 1 had not been enacted.

R.S.O. 1970,
c. 316,
amended

(4) *The Ontario Highway Transport Board Act* is amended by adding thereto the following sections:

Application
of 1971, c. 47
to hearings

18a.—(1) Sections 4 to 24 of *The Statutory Powers Procedure Act, 1971* apply with respect to any hearing by the Board and the proceedings relating thereto.

Parties to
rehearing

(2) Where the Board holds a rehearing under section 17, the parties to the proceedings relating to the rehearing are the persons who were parties to the initial hearing and such other persons as the Board may specify.

Members
making
decision not
to have
taken part
in prior
investigation

18b.—(1) Members of the Board assigned to render a decision or report after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or any party or his representative except upon notice to and opportunity for all parties to participate, but such members may without such notice,

(a) consult with other members of the Board; and

(b) seek legal advice from a legal adviser independent of the parties but in such case the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

- (2) The findings of fact by the Board pursuant to a hearing shall be based exclusively on the evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact
1971, c. 47
- (3) The oral evidence admitted at a hearing by the Board relating to the suspension or cancellation of an operating licence or the issue or cancellation of a vehicle licence under *The Public Vehicles Act* or *The Public Commercial Vehicles Act* shall be taken down in writing or by any other method authorized by *The Evidence Act*. Recording of evidence
R.S.O. 1970, c. 392, 375, 151
- (4) No member of the Board shall be a party to a decision or report of the Board made after a hearing unless he was present throughout the hearing and heard the evidence and arguments of the parties and no decision or report, except with the consent of the parties, shall be given unless all members so present participate in the decision or report. Only members at hearing to participate in decision
- (5) Section 20 of *The Ontario Highway Transport Board Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 316, s. 20, re-enacted
- 20.—(1) The Board shall, at the request of the Lieutenant Governor in Council, or may, of its own motion or upon the application of any party to proceedings before the Board, state a case in writing for the opinion of the Supreme Court upon any question of law. Stated case
- (2) If, on the application of a party to proceedings before it, the Board refuses to state a case under subsection 1, such party may apply to the Supreme Court for an order directing the Board to state such a case. Where Board refuses to state case
- (3) The Supreme Court shall hear and determine any case stated to it under this section and remit it to the Board with the opinion of the court thereon. Determination
- (6) Subsection 1 of section 22 of *The Ontario Highway Transport Board Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 316, s. 22, subs. 1, re-enacted
- (1) An appeal lies from the Board to the Supreme Court from any decision, order or report of the Board upon any question of jurisdiction or upon any question of law, but no such appeal lies unless
- leave

leave to appeal is obtained from the court within one month of the making of the decision or order sought to be appealed from or within such further time as the court under the special circumstances of the case allows after notice to the opposite party, if any, stating the grounds of appeal.

R.S.O. 1970,
c. 316, s. 24,
subs. 1,
re-enacted

(7) Subsection 1 of section 24 of *The Ontario Highway Transport Board Act* is repealed and the following substituted therefor:

Practice and
procedure

- (1) The Lieutenant Governor in Council may make regulations governing the practice and procedure in proceedings before the Board.

R.S.O. 1970,
c. 318,
ss. 13, 14,
re-enacted

63. Sections 13 and 14 of *The Ontario Human Rights Code* are repealed and the following substituted therefor:

Complaints

- 13.—(1) Any person who has reasonable grounds for believing that any person has contravened a provision of this Act may file with the Commission a complaint in the form prescribed by the Commission.

Consent of
offended
person

- (2) Where a complaint is made by a person other than the person whom it is alleged was dealt with contrary to the provisions of this Act, the Commission may refuse to file the complaint unless the person alleged to be offended against consents thereto.

Inquiry and
settlement

- 14.—(1) Where a complaint has been filed with the Commission, the Commission or a person designated by it shall inquire into the complaint and endeavour to effect a settlement of the matter complained of.

Access to
premises

- (2) For the purposes of an inquiry under subsection 1, the Commission, or any person so designated on production of evidence of his designation, shall have access to and may view the premises involved in the complaint, other than an occupied place of residence, at all reasonable times and at any time when the premises are open for business or when employees are engaged in their work.

Warrant

- (3) Where a justice of the peace is satisfied by information upon oath that there is reasonable ground for believing that access to an occupied place of residence is required for the purposes of an inquiry under this Act, he may at any time issue a warrant pursuant to section 16 of *The Summary Convictions Act* authorizing the Commission or other person named therein

R.S.O. 1970,
c. 450

to enter and view such place of residence and every such warrant shall be executed between sunrise and sunset, unless the justice otherwise directs.

- (4) The Commission or a person designated by it, has the same powers for the purposes of an inquiry under this section to inspect and examine books, payrolls, records and other documents and to take extracts or copies thereof, and to enter premises and to question employees as are possessed by the Director of Employment Standards under section 40 of *The Employment Standards Act*.

Inspection of records

R.S.O. 1970,
c. 147

- 14a.—(1) Where it appears to the Commission that a complaint will not be settled, the Commission shall make a recommendation to the Minister as to whether or not a board of inquiry should be appointed, and the Minister may, in his discretion, appoint a board of inquiry consisting of one or more persons to hear and decide the complaint.

Board of inquiry

- (2) Forthwith after the appointment of a board of inquiry, the Minister shall communicate the names of the members of the board to,

Parties to be notified of membership of board

(a) the Commission; and

(b) the parties referred to in clauses *b*, *c* and *d* of subsection 1 of section 14b,

and thereupon it shall be presumed conclusively that the board was appointed in accordance with this Act.

- (3) The Lieutenant Governor in Council may determine the remuneration of the chairman and the members of a board of inquiry appointed under this section.

Remuneration of members of board

- 14b.—(1) The parties to a proceeding before a board of inquiry with respect to any complaint are,

Parties to proceeding

(a) the Commission, which shall have the carriage of the complaint;

(b) the person named in the complaint as the complainant;

(c) any person named in the complaint and alleged to have been dealt with contrary to the provisions of this Act;

(d)

(d) any person named in the complaint as alleged to have contravened this Act; and

(e) any other person specified by the board upon such notice as the board may determine and after such person has been given an opportunity to be heard against his joinder as a party.

Copy of
complaint
annexed to
notice

(2) A true copy of the complaint shall be annexed to the notice of the hearing that is given to any party except the Commission.

Members at
hearing not
to have
taken part in
investigation,
etc.

(3) A member of the board hearing a complaint shall not have taken part in any investigation or consideration of the complaint prior to the hearing and shall not communicate directly or indirectly in relation to the complaint with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording of
evidence

(4) The oral evidence taken before a board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings
of fact

(5) The findings of fact of the board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. 47

Jurisdiction
of board

(6) Subject to appeal under section 14*d*, the board of inquiry has exclusive jurisdiction and authority to determine any question of fact or law or both required to be decided in reaching a decision as to whether or not any person has contravened this Act or for the making of any order pursuant to such decision.

Powers
of board

14*c*. The board, after hearing a complaint,

(a) shall decide whether or not any party has contravened this Act; and

(b)

- (b) may order any party who has contravened this Act to do any act or thing that, in the opinion of the board, constitutes full compliance with such provision and to rectify any injury caused to any person or to make compensation therefor.

14d.—(1) Any party to a hearing before a board may appeal from the decision or order of the board to the Supreme Court in accordance with the rules of court. Appeal from decision of board

- (2) Where notice of an appeal is served under this section, the board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision or order appealed from was made which, together with a transcript of the oral evidence taken before the board if it is not part of the record of the board, shall constitute the record in the appeal. Record to be filed in court

- (3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section. Minister entitled to be heard

- (4) An appeal under this section may be made on questions of law or fact or both and the court may affirm or reverse the decision or order of the board or direct the board to make any decision or order that the board is authorized to make under this Act and the court may substitute its opinion for that of the board. Powers of court

64.—(1) Subsection 1 of section 24 of *The Operating Engineers Act* is amended by adding at the commencement thereof "Subject to section 24a". R.S.O. 1970, c. 333, s. 24, subs. 1, amended

- (2) Subsections 2 and 3 of the said section 24 are repealed. R.S.O. 1970, c. 333, s. 24, subs. 2, 3, repealed

(3) *The Operating Engineers Act* is amended by adding thereto the following sections: R.S.O. 1970, c. 333, amended

24a.—(1) Where the Board proposes to refuse to renew or proposes to suspend or cancel a certificate of qualification, it shall serve notice of its proposal, together with written reasons therefor, on the holder of the certificate. Notice of proposal to suspend, etc., certificate

- (2) A notice under subsection 1 shall inform the holder of the certificate that he is entitled to a hearing by a judge if he applies therefor to a judge of the county or

district

district court for the county or district in which he resides, within fifteen days after the notice under subsection 1 is served on him, and he may so apply for such a hearing.

Powers of
Board
where no
hearing

- (3) Where a holder of a certificate does not apply to a judge for a hearing in accordance with subsection 2, the Board may carry out the proposal stated in its notice under subsection 1.

Powers of
Board
where
hearing

- (4) Where a holder of a certificate applies to a judge for a hearing in accordance with subsection 2, the judge shall appoint a time for and hold the hearing and, on the application of the Board at the hearing, may by order direct the Board to carry out its proposal or refrain from carrying out its proposal and to take such action as the judge considers the Board ought to take in accordance with this Act and the regulations, and for such purposes the judge may substitute his opinion for that of the Board.

Service
of notice
by Board

- (5) The Board may serve notice under subsection 1 personally or by registered mail addressed to the holder of the certificate at his address last known to the Board and, where notice is served by registered mail, the notice shall be deemed to have been served on the third day after the day of mailing unless the person to whom notice is being given establishes to the judge to whom he applies for a hearing that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

Extension of
time for
application

- (6) A judge to whom application is made by a holder of a certificate for a hearing under this section, may extend the time for making the application, either before or after expiration of the time fixed therein, where he is satisfied that there are *prima facie* grounds for granting relief to the holder of the certificate pursuant to a hearing and that there are reasonable grounds for applying for the extension, and may give such directions as he considers proper consequent upon the extension.

Continuation
of certificate
pending
renewal

- (7) Where, within the time prescribed therefor or, if no time is prescribed, prior to the expiry of his certificate, a holder of a certificate has applied for renewal of his certificate and paid the prescribed fee, his certificate shall be deemed to continue,

(a) until the renewal is granted; or

(b)

- (b) where he is served with notice that the Board proposes to refuse to grant the renewal, until the time for applying for a hearing by a judge has expired and, where a hearing is applied for, until the judge has made his decision.

- 24b.—(1) The Board, the holder of the certificate who has applied for the hearing and such other persons as are specified by the judge are parties to the proceedings before a judge under section 24a. Parties
- (2) Notice of a hearing under section 24a shall afford to the holder of the certificate a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the retention of the certificate. Notice of hearing
- (3) A holder of a certificate who is a party to proceedings under section 24a shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence
- (4) The oral evidence taken before the judge at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence
- (5) The findings of fact of a judge pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact
1971, c. 47
- (4) Section 25 of *The Operating Engineers Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 333, s. 25, re-enacted
- 25.—(1) Any party to proceedings before a judge under section 24a may appeal from the decision or order of the judge to the Supreme Court in accordance with the rules of court. Appeal from decision of judge to court
- (2) Where notice of an appeal is served under this section, the judge shall forthwith file in the Supreme Court the record of the proceedings before him in which the decision or order was made which, together with the transcript of the evidence before the judge if it is not part of the record of the judge, shall constitute the record in the appeal. Records to be filed in court

Minister
entitled to
be heard

- (3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Powers of
court on
appeal

- (4) The Supreme Court may, on the appeal, affirm the decision of the judge appealed from or may rescind it and make such new decision as the court considers proper under this Act and the regulations and may order the Board to do any act or thing it is authorized to do under this Act and as the court considers proper and for such purpose the court may substitute its opinion for that of the Board or of the judge, or the court may refer the matter back to the judge for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Appeal from
decision of
chief officer

- 25a.—(1) Any person who deems himself aggrieved by a decision of the chief officer under this Act or the regulations may, within ten days after the decision comes to his attention, appeal to a judge of the county or district court for the county or district in which the plant, boiler or other subject-matter to which the decision relates is located, by notice in writing sent by prepaid mail to the chief officer and the judge.

Powers of
judge on
appeal

- (2) Where a person has appealed to a judge under subsection 1, the judge shall appoint a time for a hearing and shall hear the appeal and may affirm, rescind or vary the decision of the chief officer and may direct the chief officer to take any action that he is authorized to take under this Act or the regulations and as the judge considers proper, and for such purpose the judge may substitute his opinion for that of the chief officer.

Application
of section 24a

- (3) Subsection 6 of section 24a applies *mutatis mutandis* to an appeal under this section.

Parties

- (4) The chief officer, the appellant and such other persons as the judge may specify are parties to an appeal under this section.

Decision of
judge final

- (5) A decision of a judge under this section is final.

Effect of
decision
pending
disposal
of appeal

- 25b. The bringing of an appeal under section 25 or 25a does not affect the operation of the decision appealed from pending disposition of the appeal.

R.S.O. 1970,
c. 333,
s. 33, cl. o,
repealed

- (5) Clause o of section 33 of *The Operating Engineers Act* is repealed.

65. *The Pawnbrokers Act* is amended by adding thereto the following section: R.S.O. 1970,
c. 341,
amended

- 2a.—(1) No application for a licence or renewal of a Application
for renewal
licence to carry on the business of a pawnbroker shall be refused until after the applicant has been afforded a hearing by the licence issuing authority.
- (2) Where, within the time prescribed therefor or, if no Continuation
of licence
pending
renewal
time is prescribed, prior to the expiry of his licence, the holder of a licence to carry on the business of a pawnbroker has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue,
- (a) until the renewal is granted; or
- (b) until the application has been finally determined by the licence issuing authority or, where there is an appeal from the decision of the licence issuing authority, until the last day for launching an appeal or such later date as may be fixed by the body to whom the appeal may be taken.

66.—(1) Clause *j* of section 1 of *The Pesticides Act* is amended by inserting after “under” in the first line “this R.S.O. 1970,
c. 346,
s. 1, cl. *j*,
amended
Act and”.

(2) Section 6 of *The Pesticides Act* is repealed and the following substituted therefor: R.S.O. 1970,
c. 346, s. 6,
re-enacted

- 6.—(1) Subject to subsection 2, where a person applies Licence,
issue
for a licence in accordance with this Act and the regulations and otherwise complies with the requirements of this Act and the regulations for the particular class of licence applied for, the Director shall issue a licence to him.
- (2) Subject to section 8, where an applicant for a licence Refusal
to issue
does not comply with the requirements of subsection 1, the Director shall refuse to issue a licence to him.
- 6a.—(1) A licence expires on the 15th day of February Term of
licence
in the year next following the year in which it was issued.
- (2) Subject to section 6b, where a licensee applies for a Renewal
renewal of his licence in accordance with this Act

and

and the regulations, the Director shall renew the licence.

Refusal to
renew,
suspension or
cancellation

6b. Subject to section 8, the Director may refuse to renew or may revoke or suspend a licence if the licensee,

(a) has contravened this Act or the regulations;

(b) is in breach of a condition of the licence;

(c) is found to be incompetent or grossly negligent;
or

(d) is found to have fraudulently misrepresented his services in performing an extermination or in carrying on the business of extermination.

R.S.O. 1970,
c. 346, ss. 8-10,
re-enacted;
ss. 11-14,
repealed

Proposal to
suspend, etc.

(3) Sections 8, 9, 10, 11, 12, 13 and 14 of *The Pesticides Act* are repealed and the following substituted therefor:

8.—(1) Where the Director proposes to refuse to issue or renew a licence or proposes to suspend or revoke a licence, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or licensee.

Notice

(2) A notice under subsection 1 shall inform the applicant or licensee that he is entitled to a hearing by the Board if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Director, and the Board and he may so require such a hearing.

Powers of
Director
where no
hearing

(3) Where an applicant or licensee does not require a hearing by the Board in accordance with subsection 2, the Director may carry out the proposal stated in his notice under subsection 1.

Powers of
Board
where
hearing

(4) Where an applicant or licensee requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time for and hold the hearing and, on the application of the Director at the hearing, may by order direct the Director to carry out his proposal or refrain from carrying out his proposal and to take such action as the Board considers the Director ought to take in accordance with this Act and the regulations, and for such purposes the Board may substitute its opinion for that of the Director.

(5)

- (5) The Director may serve notice under subsection 1 ^{Service of notice} personally or by registered mail addressed to the applicant or licensee at his address last known to the Director and, where notice is served by registered mail, the notice shall be deemed to have been served on the third day after the day of mailing unless the person to whom notice is being given establishes to the Board to whom he applies for a hearing that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.
- (6) The Board may extend the time for the giving of notice ^{Extension of time for requiring hearing} requiring a hearing by an applicant or licensee under subsection 2, either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and there are reasonable grounds for applying for the extension, and the Board may give such directions as it considers proper consequent upon the extension.
- (7) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue, ^{Continuation of licence pending renewal}
- (a) until the renewal is granted; or
- (b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Board has expired and, where a hearing is required, until the Board has made its decision.
- 9.—(1) The Director, the applicant or licensee who has ^{Parties} required the hearing and such other persons as the Board may specify are parties to proceedings before the Board under section 8.
- (2) Notice of a hearing under section 8 shall afford to the applicant or licensee a reasonable opportunity ^{Notice of hearing} to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

Examination
of docu-
mentary
evidence

- (3) An applicant or licensee who is a party to proceedings under section 8 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Members
holding
hearing
not to
have taken
part in
investigation,
etc.

- (4) Members of the Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording
of evidence

- (5) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings
of fact

- (6) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. 47

Only
members
at hearing
to participate
in decision

- (7) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Release of
documentary
evidence

- (8) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined.

Appeal
to court

- 10.—(1) Any party to proceedings before the Board may appeal from its decision or order to the Supreme Court in accordance with the rules of court.

Record to
be filed
in court

- (2) Where any party appeals from a decision or order of the Board, the Board shall forthwith file in the Supreme Court the record of the proceedings before

it in which the decision was made, which, together with the transcript of the evidence if it is not part of the Board's record, shall constitute the record in the appeal.

- (3) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section. Minister entitled to be heard

- (4) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Board and may exercise all powers of the Board to direct the Director to take any action which the Board may direct him to take and as the court considers proper, and for such purposes the court may substitute its opinion for that of the Director or of the Board, or the court may refer the matter back to the Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper. Powers of court on appeal

- (4) Section 15 of *The Pesticides Act* is amended by adding thereto the following subsection: R.S.O. 1970, c. 346, s. 15, amended

- (2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an agent or servant of the Crown to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted. Crown not relieved of liability
R.S.O. 1970, c. 365

- (5) Section 16 of *The Pesticides Act* is amended by inserting after "designate" in the first line "in writing". R.S.O. 1970, c. 346, s. 16, amended

- (6) Section 17 of *The Pesticides Act* is amended by inserting after "regulations" in the second line "upon the production of his designation as an inspector". R.S.O. 1970, c. 346, s. 17, amended

- (7) Section 18 of *The Pesticides Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 346, s. 18, re-enacted

18. Where an inspector has reasonable grounds for believing that an extermination is or may be dangerous to health, he may order that the extermination be terminated. Order for termination of extermination

- (8) Subsection 3 of section 20 of *The Pesticides Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 346, s. 20, subs. 3, re-enacted

Disposal of
appeal

- (3) The designated officer who hears the appeal under this section may after a hearing, to which the inspector making the order and the appellant shall be parties, vary, rescind or confirm the order of the inspector.

Effect of
order
pending
disposal
of appeal

- (4) Notwithstanding that an appeal has been taken under this section from an order of an inspector, the order of the inspector is effective until confirmed, varied or rescinded on the appeal.

R.S.O. 1970,
c. 346, s. 21,
amended

- (9) Section 21 of *The Pesticides Act* is amended by adding thereto the following paragraphs:

17a. providing for the remuneration and expenses of members of the Pesticides Licence Review Board;

17b. prescribing procedure for the issue or renewal of licences.

R.S.O. 1970,
c. 346,
s. 21, par. 27,
repealed

- (10) Paragraph 27 of the said section 21 is repealed.

R.S.O. 1970,
c. 350, s. 1,
amended

- 67.**—(1) Section 1 of *The Plant Diseases Act* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clauses:

(a) “Board” means the Plant Diseases Licence Review Board established by this Act;

(ca) “licence” means a licence under this Act.

R.S.O. 1970,
c. 350, s. 3,
re-enacted

- (2) Section 3 of *The Plant Diseases Act* is repealed and the following substituted therefor:

Nursery
licence
required

- 3.—(1) No person shall operate a nursery without a licence therefor from the Director.

Dealer
licence
required

- (2) No person, other than a person licensed to operate a nursery, shall be a dealer in nursery stock without a licence therefor from the Director.

R.S.O. 1970,
c. 350,
amended

- (3) *The Plant Diseases Act* is amended by adding thereto the following sections:

Licence,
issue

- 4a.—(1) The Director shall issue a licence to a person who makes application therefor in accordance with this Act and the regulations and pays the prescribed

fee unless, after a hearing, he is of opinion that the applicant is not in a position to observe or carry out the provisions of this Act and the regulations.

- (2) Subject to section 4*b*, the Director shall renew a ^{Renewal} licence on application by the licensee in accordance with this Act and the regulations and payment of the prescribed fee.

4*b*.—(1) The Director may refuse to renew or may sus- ^{Refusal to renew, suspension or revocation} pend or revoke a licence if, after a hearing, he is of opinion that the licensee or, where the licensee is a corporation, any officer, director or servant thereof, has contravened or has permitted any person under his control or direction in connection with his business of operating a nursery or dealing in nursery stock, to contravene any provision of this Act or the regulations or of any other Act or the regulations thereunder or of any law applying to the carrying on of the business of operating a nursery or dealing in nursery stock and such contravention warrants such refusal to renew or suspension or revocation of the licence.

- (2) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for a renewal of his licence and paid the prescribed fee and has observed or carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the Director on his application for renewal. ^{Continuation of licence pending renewal}

4*c*.—(1) Notice of a hearing by the Director under section 4*a* or 4*b* shall afford to the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence. ^{Notice of hearing}

- (2) An applicant or licensee who is a party to proceedings under section 4*a* or 4*b* shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. ^{Examination of documentary evidence}

4*d*. Where the Director has refused to issue or renew or has suspended or revoked a licence pursuant to a hearing, he may, at any time of his own motion or on the application of the person who was the applicant or licensee, vary or rescind his decision, but ^{Variation of decision by Director}

the

the Director shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and the regulations.

Review
Board
established

4e.—(1) A board to be known as the “Plant Diseases Licence Review Board” is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council none of whom are members of the public service in the employ of the Department of Agriculture and Food, and who shall, subject to subsection 2, hold office during pleasure.

Term of
office

(2) A member of the Board shall hold office for not more than five consecutive years.

Chairman

(3) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman.

Quorum

(4) A majority of the members of the Board constitutes a quorum.

Remunera-
tion

(5) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine.

Appeal to
Board

4f.—(1) Where the Director refuses to issue or renew or suspends or revokes a licence, the applicant or licensee may by written notice delivered to the Director and filed with the Board within fifteen days after receipt of the decision of the Director appeal to the Board.

Extension
of time
for appeal

(2) The Board may extend the time for the giving of notice by an applicant or licensee under subsection 1, either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension.

Powers of
Board

(3) Where an applicant or licensee appeals to the Board under this section, the Board shall hear the appeal by way of a hearing *de novo* to determine whether the licence should be issued, renewed, suspended or revoked and may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act he is authorized to do under this Act and as the Board considers proper and, for such purpose, the Board may substitute its opinion for that of the Director.

- (4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Director, unless the Director otherwise directs, the decision of the Director is effective until the appeal is disposed of. Effect of decision pending disposal of appeal
- 4g.—(1) The Director, the appellant and such other persons as the Board may specify are parties to the proceedings before the Board under this Act. Parties
- (2) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law. Members making decision not to have taken part in investigation, etc.
- (3) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence
- (4) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act*, 1971, c. 47 1971. Findings of fact
- (5) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision. Only members at hearing to participate in decision
- 4h.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Supreme Court in accordance with the rules of court. Appeal to court
- (2) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section. Minister entitled to be heard

Record to
be filed
in court

- (3) The chairman of the Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board, if it is not part of the Board's record, shall constitute the record in the appeal.

Powers of
court on
appeal

- (4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Board or direct the Director to do any act he is authorized to do under this Act or may refer the matter back to the Board for reconsideration by the Board as the court considers proper, and the court may substitute its opinion for that of the Director or the Board.

Effect of
decision of
Board
pending
disposal of
appeal

- (5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of.

R.S.O. 1970,
c. 350, s. 6,
subs. 1,
amended

- (4) Subsection 1 of section 6 of *The Plant Diseases Act* is amended by adding at the commencement thereof "Subject to subsection 1a".

R.S.O. 1970,
c. 350, s. 6,
amended

- (5) The said section 6 is amended by adding thereto the following subsection:

Power
to enter
dwelling

R.S.O. 1970,
c. 450

- (1a) Except under the authority of a warrant under section 16 of *The Summary Convictions Act*, an inspector shall not enter any part of a dwelling without the consent of the occupant.

R.S.O. 1970,
c. 450, s. 8,
subs. 2,
re-enacted

- (6) Subsection 2 of section 8 of *The Plant Diseases Act* is repealed and the following substituted therefor:

Powers of
Provincial
Entomologist
on appeal

- (2) Upon receipt of a notice of appeal, the Provincial Entomologist shall, after a hearing, confirm, revoke or modify the order appealed against and may make such order as the inspector might have made and the appellant shall carry out such order as is given by the Provincial Entomologist.

Parties

- (3) The appellant, the inspector who made the decision and such other persons as the Provincial Entomologist may specify are parties to proceedings before the Provincial Entomologist under subsection 2.

- (4) An appeal under this section may be made in writing or orally or by telephone to the Provincial Entomologist, but the Provincial Entomologist may require the grounds for appeal to be specified in writing before the hearing. How appeal made

68.—(1) Section 1 of *The Pregnant Mare Urine Farms Act* is amended by adding thereto the following clause: R.S.O. 1970, c. 359, s. 1, amended

(*da*) "licence" means a licence under this Act,

(2) Subsections 3, 4, 5, 6 and 7 of section 4 of *The Pregnant Mare Urine Farms Act* are repealed and the following substituted therefor: R.S.O. 1970, c. 359, s. 4, subss. 3-7, re-enacted

- (3) Where the Director is of the opinion that an applicant for a licence as an operator of a P.M.U. farm does not comply with clauses *a* and *b* of subsection 2 of section 3, he may, after a hearing, refuse to issue the licence. Refusal to issue
- (4) Subject to subsection 5, the Director shall renew a licence, on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee. Renewal
- (5) Where the Director is of the opinion, in the case of a licensee, that clause *a* or *b* of subsection 3 of section 3 applies, he may, after a hearing, refuse to renew or may suspend or revoke the licence. Refusal to renew, suspension or revocation
- (6) Notwithstanding subsection 5, the Director, by notice to a licensee and without a hearing, may provisionally refuse to renew or suspend the licensee's licence where in the Director's opinion it is necessary to do so for the immediate protection of the safety or health of, or the prevention of cruelty or maltreatment to, or neglect of any animal and the Director so states in such notice giving his reasons therefor, and thereafter the Director shall hold a hearing to determine whether renewal of the licence should be refused or whether the licence should be further suspended or revoked under this Act and the regulations. Provisional suspension, etc.
- (7) Subject to subsection 6, where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee Continuation of licence pending renewal

and

and has observed or carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the Director on his application for renewal.

R.S.O. 1970,
c. 359, ss. 5-9,
re-enacted;
ss. 10, 11, 13,
repealed

(3) Sections 5, 6, 7, 8, 9, 10, 11 and 13 of *The Pregnant Mare Urine Farms Act* are repealed and the following substituted therefor:

Notice of
hearing

5.—(1) The notice of a hearing by the Director under section 4 shall afford the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

Examination
of docu-
mentary
evidence

(2) An applicant or licensee who is a party to proceedings in which the Director holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Variation of
decision by
Director

6. Where the Director has refused to issue or renew or has suspended or revoked a licence pursuant to a hearing, he may, at any time of his own motion or on the application of the person who was the applicant or licensee, vary or rescind his decision, but the Director shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and the regulations.

Appeal to
Board

7.—(1) Where the Director refuses to issue or renew or suspends or revokes a licence, the applicant or licensee may, by written notice delivered to the Director and filed with the Board within fifteen days after receipt of the decision of the Director, appeal to the Board.

Extension of
time for
appeal

(2) The Board may extend the time for the giving of notice by an applicant or licensee under subsection 1, either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension.

- (3) Where an applicant or licensee appeals to the Board under this section, the Board shall hear the appeal by way of a hearing *de novo* to determine whether the licence should be issued, renewed, suspended or revoked and may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act he is authorized to do under this Act and as the Board considers proper and, for such purpose, the Board may substitute its opinion for that of the Director. Powers of Board on appeal
- (4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Director, unless the Director otherwise directs, the decision of the Director is effective until the appeal is disposed of. Effect of decision of Director pending disposal of appeal
- 8.—(1) The Director, the appellant and such other persons as the Board may specify are parties to the proceedings before the Board under this Act. Parties
- (2) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law. Members making decision not to have taken part in investigation, etc.
- (3) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence
- (4) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact 1971, c. 47
- (5) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, Only members at hearing to participate in decision

except

except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Appeal
to court

9.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Supreme Court in accordance with the rules of court.

Minister
entitled to
be heard

(2) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section.

Record to
be filed
in court

(3) The chairman of the Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board, if it is not part of the Board's record, shall constitute the record in the appeal.

Powers of
court on
appeal

(4) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Board or direct the Director to do any act the Director is authorized to do under this Act and as the court considers proper and the court may substitute its opinion for that of the Board.

Effect of
decision of
Board
pending
disposal
of appeal

(5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of.

R.S.O. 1970,
c. 368, s. 1,
re-enacted

69.—(1) Section 1 of *The Provincial Auctioneers Act* is repealed and the following substituted therefor:

Interpreta-
tion

1. In this Act,

- (a) "Board" means the Provincial Auctioneers Licence Review Board established by this Act;
- (b) "Commissioner" means the Live Stock Commissioner;
- (c) "licence" means a licence under this Act.

Licence,
issue

1a.—(1) The Commissioner shall issue a licence to sell pure-bred live stock only, by public auction in Ontario, to a person who makes application therefor and pays the prescribed fee unless, after a hearing, he is of opinion that,

(a)

- (a) the applicant is not competent or does not have sufficient experience with and knowledge of pure-bred live stock to conduct public auctions of such live stock; or
 - (b) the past conduct of the applicant affords reasonable grounds for belief that he may not engage in such business in accordance with law and with honesty and integrity.
- (2) Any person who resides in Ontario shall pay a fee of ^{Fee} \$50, and any person who does not reside in Ontario shall pay a fee of \$100, for a licence.
- 1b.—(1) The Commissioner may revoke a licence if, ^{Revocation} after a hearing, he is of opinion that the licensee or any person under his control or direction or associated with him in connection with his operations as a licensee has not carried on his business as an auctioneer in accordance with law and with honesty and integrity.
- (2) The Commissioner, by notice to a licensee and with- ^{Suspension} out a hearing, may suspend the licensee's licence where in the Commissioner's opinion it is necessary to do so for the immediate protection of the interests of persons dealing with the licensee and the Commissioner so states in such notice giving his reasons therefor, and thereafter the Commissioner shall hold a hearing to determine whether the licence should be revoked under this Act.
- 1c.—(1) Notice of a hearing by the Commissioner ^{Notice of hearing} under section 1a or 1b shall afford to the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.
- (2) An applicant or licensee who is a party to proceedings ^{Examination of documentary evidence} in which the Commissioner holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.
- 1d. Where the Commissioner has refused to issue or has ^{Variation of decision by Commissioner} revoked a licence pursuant to a hearing, he may, at any time of his own motion or on the application of

the person who was the applicant or licensee, vary or rescind his decision, but the Commissioner shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act.

Review
Board
established

1e.—(1) A board to be known as the “Provincial Auctioneers Licence Review Board” is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council none of whom are members of the public service in the employ of the Department of Agriculture and Food and who shall, subject to subsection 2, hold office during pleasure.

Term of
office

(2) A member of the Board shall hold office for not more than five consecutive years.

Chairman

(3) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman.

Quorum

(4) A majority of the members of the Board constitutes a quorum.

Remunera-
tion

(5) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine.

Appeal to
Board

1f.—(1) Where the Commissioner refuses to issue or revokes a licence, the applicant or licensee may, by written notice delivered to the Commissioner and filed with the Board within fifteen days after receipt of the decision of the Commissioner, appeal to the Board.

Extension of
time for
appeal

(2) The Board may extend the time for the giving of notice by an applicant or licensee under subsection 1, either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension.

Powers of
Board

(3) Where an applicant or licensee appeals to the Board under this section, the Board shall hear the appeal by way of a hearing *de novo* to determine whether the licence should be issued or revoked and may, after the hearing, confirm or alter the decision

of the Commissioner or direct the Commissioner to do any act he is authorized to do under this Act and as the Board considers proper and, for such purpose, the Board may substitute its opinion for that of the Commissioner.

- (4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Commissioner, unless the Commissioner otherwise directs, the decision of the Commissioner is effective until the appeal is disposed of. Effect of decision pending disposal of appeal
- 1g.—(1) The Commissioner, the appellant and such other persons as the Board may specify are parties to the proceedings before the Board under this Act. Parties
- (2) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law. Members making decision not to have taken part in investigation, etc.
- (3) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence
- (4) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact 1971, c. 47
- (5) No member of the Board shall participate in a decision of the Board pursuant to a hearing who was not present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision. Only members at hearing to participate in decision
- 1h.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Supreme Court in accordance with the rules of court. Appeal to court

Minister
entitled to
be heard

- (2) The Minister is entitled to appear, by counsel or otherwise, upon the argument of an appeal under this section.

Records to
be filed
in court

- (3) The chairman of the Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board, if it is not part of the Board's record, constitutes the record on the appeal.

Powers of
court on
appeal

- (4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Board or direct the Commissioner to do any act he is authorized to do under this Act or may refer the matter back to the Board for reconsideration by the Board as the court considers proper and the court may substitute its opinion for that of the Commissioner or the Board.

Effect of
decision of
Board
pending
disposal of
appeal

- (5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of.

R.S.O. 1970,
c. 368, s. 4,
repealed

- (2) Section 4 of *The Provincial Auctioneers Act* is repealed.

R.S.O. 1970,
c. 370, s. 18,
subs. 4,
re-enacted

70.—(1) Subsection 4 of section 18 of *The Provincial Land Tax Act* is repealed and the following substituted therefor:

Assessment
by judge final

- (4) Subject to subsections 5 and 6, the assessment as determined by the judge is final and binding and is not open to question or dispute in any action or proceeding or otherwise.

Stated case

- (5) The judge, upon request of the complainant or the collector within thirty days after the determination of the assessment by him, shall state a case in writing to the Supreme Court upon any question of law arising in the assessment.

Powers
of court

- (6) Where a case is stated to the Supreme Court under this section, the court shall hear the case and may vary or annul the assessment or may refer it back to the judge for re-assessment in accordance with the judgment of the court.

(2) Clause *g* of section 38 of *The Provincial Land Tax Act* is repealed.

R.S.O. 1970,
c. 370,
s. 38, cl. *g*,
repealed

71.—(1) Section 1 of *The Public Commercial Vehicles Act* is amended by adding thereto the following clauses:

R.S.O. 1970,
c. 375, s. 1,
amended

(*ha*) “officer of the Department” means an officer of the Department designated, in writing, by the Minister to assist in the enforcement of this Act;

(*ja*) “prescribed” means prescribed by the regulations.

(2) Subsection 3 of section 2 of *The Public Commercial Vehicles Act* is repealed.

R.S.O. 1970,
c. 375, s. 2,
subs. 3,
repealed

(3) Section 5 of *The Public Commercial Vehicles Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 375, s. 5,
re-enacted

5.—(1) The Minister may issue an operating licence,

Operating
licence,
issue

(*a*) for the transportation, other than by a tank truck vehicle, of,

(i) sand, gravel, earth, crushed or uncut rock and stone, slag and rubble, or

(ii) salt, calcium chloride, a mixture of sand and salt, and asphalt mixes directly to highway construction or maintenance sites or to stock piles for further use on highway construction or maintenance sites; or

(*b*) in any other case in accordance with a certificate of necessity and convenience issued by the Board under section 6.

(2) An operating licence authorizes the licensee to conduct upon a highway by means of a public commercial vehicle the business of transportation of goods in accordance with this Act and the regulations and the terms and conditions of the licence.

Rights
under
licence

(3) The holder of an operating licence shall not discontinue any transportation service authorized under his licence until after he has given the Minister ten days written notice of his intention to do so.

Discontinu-
ance of
transportation
service

R.S.O. 1970,
c. 375, s. 6,
re-enacted

(4) Section 6 of *The Public Commercial Vehicles Act* is repealed and the following substituted therefor:

Approval
of Board

6.—(1) Except under clause *a* of subsection 1 of section 5, the Minister shall not issue an operating licence to any person unless the Board, upon the application of that person in the prescribed form has, after a hearing of the application as required by *The Ontario Highway Transport Board Act*, approved the issue of the licence to him on the ground that public necessity and convenience warrant the issue of the licence and will be served thereby, and has issued a certificate to that effect to the Minister.

R.S.O. 1970,
c. 316

Certificate

(2) The Board may, in a certificate issued by it under this section, having regard to the requirements of public necessity and convenience,

(a) prescribe terms and conditions to govern the transportation of goods by public commercial vehicles pursuant to the licence; or

(b) approve the conferring by the licence of special, exclusive or limited rights with respect to the operation of public commercial vehicles and with respect to any highway or highways or portions thereof described in the certificate.

R.S.O. 1970,
c. 375, ss. 7-11,
re-enacted

(5) Sections 7, 8, 9, 10 and 11 of *The Public Commercial Vehicles Act* are repealed and the following substituted therefor:

Transfer of
licence

7.—(1) No operating licence shall be transferred without the approval of the Minister, in writing, obtained on application in the prescribed form and payment of the prescribed fee.

Reference
to Board

(2) The Minister shall refer an application for approval of the transfer of an operating licence to the Board, and the Board shall hold a hearing and shall report to the Minister whether or not the public necessity and convenience served by the transportation service carried on under the licence will be prejudiced by the transfer of the licence.

Parties

(3) The Minister, the proposed transferor and transferee and such other persons as the Board may specify are parties to the proceedings under this section.

- (4) The Minister shall consider a report made by the Board to him under this section and may thereafter approve or refuse to approve the transfer and the Minister shall give reasons for his decision to the other parties to the proceedings. Decision of Minister
- (5) The Minister may require the directors of a corporation that is the holder of an operating licence to report to the Board any issue or transfer of shares of its capital stock and where the Board finds, after a hearing, that the number of shares so issued or transferred affects the *de facto* control of the operations of the corporation such issue or transfer shall be deemed to constitute a transfer of all operating licences held by such corporation and, unless the transfer is approved, such operating licences shall terminate. Issue or transfer of shares of corporation
8. The Minister may at any time refer an operating licence to the Board with a recommendation that the terms and conditions of the licence be reviewed having regard to the requirements of public necessity and convenience and the Board shall, after a hearing of the reference as required by *The Ontario Highway Transport Board Act*, report thereon to the Minister, and the Minister may confirm, amend or cancel the terms and conditions of the licence and shall give reasons for his decision to the licensee. Review of terms of licence
R.S.O. 1970, c. 316
- 9.—(1) An operating licence expires on the 1st day of July in each year or on the expiry of the vehicle licences for the vehicles operated pursuant to the operating licence unless before such date or such expiry, as the case may be, the holder of the operating licence has applied for and acquired vehicle licences for such vehicles for the period immediately following such date or such expiry, as the case may be. Expiry of licence
- (2) Where the holder of an operating licence has acquired vehicle licences in accordance with subsection 1, his operating licence is deemed to be renewed for the period for which the vehicle licences are issued. Operating licence renewed on acquisition of vehicle licences
10. Subject to section 12*i*, the Minister may suspend or cancel an operating licence, Suspension or cancellation of operating licence

- (a) where the licensee fails to begin to provide transportation services in accordance with the licence within thirty days after the issue of the licence, or within such further period as is specified in the licence;
- (b) where the licensee fails for a continuous period of thirty days to provide transportation services in accordance with the licence;
- (c) where the licensee is financially incapable of providing or continuing to provide transportation services in accordance with this Act and the regulations or the terms and conditions of the licence or of meeting his financial responsibilities to persons using such services; or
- (d) where the licensee or any person under his control and direction contravenes this Act or *The Highway Traffic Act* or the regulations hereunder or thereunder or the terms and conditions of the licence and such contravention affords reasonable grounds for believing that the transportation services required by the licence will not be carried on in accordance with the requirements of such Acts or regulations or such terms and conditions.

R.S.O. 1970,
c. 202

Vehicle
licence
required

11. Notwithstanding the provisions of any private Act, no person shall operate a public commercial vehicle unless the vehicle is licensed as a public commercial vehicle under this Act.

R.S.O. 1970,
c. 375, s. 12,
re-enacted

- (6) Section 12 of *The Public Commercial Vehicles Act* is repealed and the following substituted therefor:

Issue to
holder of
operating
licence

- 12.—(1) Subject to subsection 2 and section 12c, the holder of an operating licence is entitled, upon application to the Minister in the prescribed form and payment of the prescribed fee, to be issued by the Minister vehicle licences for public commercial vehicles for operation pursuant to his operating licence.

Idem

- (2) No vehicle licence shall be issued for a public commercial vehicle except,

(a)

- (a) to the holder of an operating licence who is registered as the owner of the vehicle under *The Highway Traffic Act*; or

R.S.O. 1970,
c. 202

- (b) to the holder of an operating licence who has entered into an agreement for the lease of the public commercial vehicle in accordance with this Act and the regulations.

12a.—(1) A vehicle licence authorizes the holder to operate the vehicle for which it is issued as a public commercial vehicle in providing the transportation designated in his operating licence.

Rights
under
vehicle
licence

- (2) A vehicle licence expires at the end of the last day of the period for which the licence was issued.

Expiry of
licence

- (3) Where a vehicle for which a vehicle licence has been issued is sold to the holder of an operating licence authorizing the operation of that class of vehicle, such holder is entitled to a transfer by the Minister of the vehicle licence and licence plate for the vehicle, but no vehicle licence may be transferred from the person to whom it was issued to another person in any other case.

Transfer

- (4) Where the holder of a vehicle licence applies to replace the vehicle for which the licence was issued with another vehicle for which no vehicle licence is in effect, the Minister may permit the vehicle licence and licence plate to be transferred to the substituted vehicle upon payment of the prescribed transfer fee and the amount, if any, by which the fee prescribed for a vehicle licence for the substituted vehicle would exceed the fee prescribed for a vehicle licence for the replaced vehicle.

Replacement
of licensed
vehicle

12b.—(1) The Minister may in a vehicle licence fix the tonnage that may be carried in the vehicle pursuant to the licence and no vehicle shall at any time carry more tonnage than is fixed by the licence.

Tonnage

- (2) Every public commercial vehicle operating on a highway shall have attached thereto, and exposed in a conspicuous position, a licence plate issued by the Minister showing in plain figures the number of the vehicle licence issued for the vehicle for the current year.

Licence
plate

Refusal to
issue or
cancellation
of vehicle
licence

12c. Subject to section 12i, the Minister may refuse to issue or may cancel a vehicle licence if the applicant or licensee is not, or ceases to be, eligible to be issued a licence under subsection 2 of section 12 or if the vehicle does not comply with the requirements of this Act or *The Highway Traffic Act* or the regulations hereunder or thereunder.

R.S.O. 1970,
c. 202

Freight
forwarder's
licence
required

12d.—(1) No person shall carry on business as a freight forwarder unless he is the holder of a freight forwarder's licence under this Act.

Restrictions
on trans-
portation
of goods
beyond
urban zone

(2) No holder of a freight forwarder's licence shall transport goods upon a highway beyond an urban zone except in a vehicle operated by the holder of an operating licence issued pursuant to this Act, the terms of which operating licence authorize the holder to perform the transportation.

Issue to
holder of
operating
licence
prohibited

(3) No freight forwarder's licence shall be issued to the holder of an operating licence.

Issue
of freight
forwarder's
licence

12e.—(1) The Minister may,

(a) upon application in the prescribed form and payment of the prescribed fee; and

(b) upon the filing by the applicant with the Minister of a policy of insurance or bond in a form and amount that affords adequate security for the protection of the public in the event of damage or loss to goods undertaken to be transported by the applicant,

issue a freight forwarder's licence to the applicant.

Terms and
conditions

(2) The Minister may, in a licence issued to a freight forwarder under this section, prescribe terms and conditions in the licence to govern the carrying on of the business of freight forwarder under the licence.

Applicant
may require
hearing by
Board

12f. Where the applicant for a freight forwarder's licence is dissatisfied with the terms and conditions prescribed by the Minister in the licence, the applicant may, by written notice to the Minister and the Board, within fifteen days after receiving the licence, require

a hearing by the Board and section 12*i* applies to the proceedings as if such notice were a notice requiring a hearing under that section.

12*g*. A freight forwarder's licence expires on the 31st Expiry of licence day of December in the year in which it was issued.

12*h*. Subject to section 12*i*, the Minister may suspend or cancel a freight forwarder's licence, Suspension and cancellation of licence

(*a*) where the licensee fails to maintain in force a policy of insurance or bond that meets the requirements of clause *b* of subsection 1 of section 12*e*; or

(*b*) where the licensee or any person under his control and direction contravenes this Act or the regulations or the terms and conditions of the licence and such contravention or failure affords reasonable grounds for believing that the business of a freight forwarder will not be carried on in accordance with the requirements of this Act and the regulations and the terms and conditions of the licence.

12*i*.—(1) Where the Minister proposes,

Notice of proposal to cancel, etc., hearing

(*a*) to suspend or cancel an operating licence under section 10;

(*b*) to refuse to issue or to cancel a vehicle licence under section 12*c*; or

(*c*) to refuse to issue a freight forwarder's licence under section 12*e* or to suspend or cancel a freight forwarder's licence under section 12*h*,

he shall cause notice of his proposal together with written reasons therefor to be served on the applicant or licensee informing him that he has a right to a hearing by the Board if he mails or delivers, within fifteen days after service on him of the notice from the Minister, notice in writing requiring a hearing to the Minister and the Board, and the applicant or licensee may so require such a hearing.

(2) Where an applicant or licensee,

Where hearing required or not required

(*a*) does not give notice in accordance with subsection 1 requiring a hearing by the Board, the Minister may forthwith refuse to issue or may suspend or cancel the licence; or

(*b*)

- (b) gives notice in accordance with subsection 1 requiring a hearing by the Board, the Minister shall refer the matter to the Board for a hearing.

Service
of notice

- (3) The Minister may cause a notice under subsection 1 to be served personally or by registered mail addressed to the applicant or licensee at his address last known to the Minister and, where notice is served by registered mail, the notice shall be deemed to have been served on the third day after the day of mailing unless the person on whom notice is being served establishes to the Board that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

Extension of
time for
giving
notice by
applicant

- (4) The Board, on application of an applicant or licensee, may extend the time for giving notice requiring a hearing under subsection 1, either before or after expiration of the time fixed therein, where the Board is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension, and may give such directions as the Board considers proper consequent upon the extension.

Parties
to hearing

- (5) The Minister, the applicant or licensee and such other persons as the Board may specify are parties to a hearing under this section.

Notice of
hearing

- (6) Notice of a hearing under this section shall afford to the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of his licence.

Examination
of docu-
mentary
evidence

- (7) The Minister shall afford to the applicant or licensee, or his representative, an opportunity to examine before the hearing any written or documentary evidence that will be introduced or any report the contents of which will be given in evidence at the hearing.

Report to
Minister

- (8) The Board shall, after a hearing under this section, make a report to the Minister, which shall set out its findings of fact and conclusions of law and its recommendations as to the issue, suspension or cancellation of the licence to which it relates.

- (9) After considering a report of the Board under this section, the Minister may carry out the proposal or refrain from carrying out the proposal to which it relates and shall give reasons for his decision to the applicant or licensee. Decision of Minister
- 12j.—(1) Except as provided by the regulations, each holder of an operating licence or of a freight forwarder's licence shall, on payment of the prescribed fee, file with the Board a tariff of tolls showing all the rates or charges for the transportation of goods to and from points in respect of which the transportation is provided or offered by the licensee or by arrangement with any other licensee or any other carrier. Tariff of tolls to be filed with Board
- (2) No holder of an operating licence or freight forwarder's licence shall charge a toll that is not contained in, and in accordance with, the tariff filed by him under subsection 1. Charging of tolls
- 12k. A tariff of tolls shall be filed in a form prescribed by the Board and published and maintained available to the public. Form and publication of tariff
- 12l.—(1) A licensee who has filed a tariff of tolls with the Board may file with the Board an amendment to the tariff but, subject to subsection 2, such amendment shall not become effective until the expiry of thirty days from the date the amendment was filed. Amendment to tariff
- (2) The Board, upon the application of a licensee who has filed an amendment to his tariff of tolls under this section, may fix the effective date of the amendment on a specified date prior to the expiry of thirty days from the date the amendment was filed. Effective date
- 12m. A tariff of tolls filed under section 12j and amendments thereto expires two years from the date upon which the tariff was filed under section 12j. Expiry of tariff
- 12n.—(1) Except as provided in the regulations, every holder of an operating licence or of a freight forwarder's licence shall issue a bill of lading to the person delivering or releasing goods to the licensee for transportation for compensation. Bill of lading, issue of
- (2) A bill of lading shall contain such information as may be prescribed and shall include an acknowledgment of receipt by the carrier or the freight forwarder Contents

of the goods therein described and an undertaking to carry such goods for delivery to the consignee or the person entitled to receive the goods and shall be signed by, or on behalf of, the issuing carrier or issuing freight forwarder and by the consignor.

Statutory
conditions

- (3) The conditions set out in Schedule A shall be deemed to be a part of every contract for the transportation of goods for compensation other than a contract for transportation for compensation between a freight forwarder and a shipper.

Idem

- (4) The conditions set out in Schedule B shall be deemed to be a part of every contract for transportation for compensation between a freight forwarder and a shipper.

Copy of
bill of
lading to
be carried
by driver

- (5) Every driver operating a public commercial vehicle shall carry on each trip a copy or memorandum of the bill of lading and shall produce it when required for inspection by a member of the Ontario Provincial Police Force or an officer of the Department.

Idem

- (6) Where a carrier is transporting goods on behalf of a freight forwarder, the driver transporting the goods by public commercial vehicle shall carry on each trip a copy or memorandum of the bill of lading issued by the freight forwarder and shall produce it when required for inspection by a member of the Ontario Provincial Police Force or an officer of the Department.

R.S.O. 1970,
c. 375,
amended

- (7) *The Public Commercial Vehicles Act* is amended by adding thereto the following sections:

Vehicle
licence, etc.,
to be carried
by driver

- 15a. The vehicle licence issued for a public commercial vehicle together with a copy of the conditions set out in the operating licence under which it is operated, shall, whenever the vehicle is on a highway, be carried by the driver or be kept in a readily accessible place in the vehicle and shall be produced upon the demand of a member of the Ontario Provincial Police Force or of an officer of the Department.

Examination
of vehicle,
etc.

- 15b.—(1) A member of the Ontario Provincial Police Force or an officer of the Department may at any time examine any public commercial vehicle, its contents and equipment for the purpose of ascertaining whether this Act and the regulations and the operating licence under which the vehicle is operated

are being complied with in the operation of the vehicle, and for that purpose the member or officer may require the driver or other person in charge of a public commercial vehicle to stop on a highway.

- (2) Every driver or other person in charge of a public commercial vehicle on a highway who is required by a member of the Ontario Provincial Police Force or an officer of the Department, by signals or otherwise, to stop the vehicle for the purpose of examination, shall stop the vehicle and assist in the examination of the vehicle, its contents and equipment.

Stopping
of vehicle
for
examination

- 15c. An officer of the Department may at any reasonable time examine all books, records and documents of the holder of an operating licence relating to the business of operating public commercial vehicles for the purpose of ensuring that the provisions of this Act and the regulations are being complied with and such officer may, for the purposes of such examination, upon producing his designation as an officer, enter at any reasonable time the business premises of the holder.

Examination
of records,
etc., of
holder of
operating
licence

- 15d. Each person employed in the administration of this Act, including any person making an examination under section 15c, shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties or employment or on an examination under section 15c and shall not communicate any such matters to any other person except,

Matters
confidential

- (a) as may be required in connection with the administration of this Act and the regulations or any proceeding under this Act or the regulations; or
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

(8) Clause *a* of section 18 of *The Public Commercial Vehicles Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 375, s. 18,
cl. *a*,
re-enacted

- (a) prescribing classes of licences and the forms of applications and licences.

- (9) Clause *j* of the said section 18 is repealed.

R.S.O. 1970,
c. 375, s. 18,
cl. *j*,
repealed

R.S.O. 1970,
c. 375, s. 18,
cl. n,
re-enacted

(10) Clause *n* of the said section 18 is repealed and the following substituted therefor:

(*n*) prescribing the method of bookkeeping or accounting to be used and the returns or statements to be filed by persons licensed under this Act.

R.S.O. 1970,
c. 375, s. 18,
cl. s,
repealed

(11) Clause *s* of the said section 18 is repealed.

R.S.O. 1970,
c. 375,
amended

(12) *The Public Commercial Vehicles Act* is amended by adding thereto the following Schedules:

SCHEDULE A

1. The carrier of the goods herein described is liable for any loss thereof or damage or injury thereto, except as herein provided.
2. Where shipments are handled by more than one carrier, the carrier issuing the bill of lading, in addition to any other liability hereunder, is liable for any loss, damage or injury to the goods caused by or resulting from the act, neglect or default of any other carrier to whom the goods are delivered and from whom the other carrier is not by the terms of the bill of lading relieved and the onus of proving that such loss, damage or injury was not so caused and did not so result is upon the carrier issuing the bill of lading.
3. The carrier issuing the bill of lading is entitled to recover from any other carrier to whom the goods are delivered in the course of their conveyance to their final destination the amount of the loss, damage or injury that the carrier issuing the bill of lading may be required to pay hereunder caused by or resulting from the handling of the goods by the other carrier, if the carrier issuing the bill of lading is not relieved therefrom by the terms of the bill of lading, and if the loss, damage or injury was not caused by the act, neglect or default of the carrier issuing the bill of lading, subject to the onus set out in paragraph 2.
4. Nothing in paragraph 2 or 3 deprives the holder of the bill of lading or the party entitled to the goods of any remedy or right of action that he may have against the carrier issuing the bill of lading or against any other carrier.
5. The carrier is not liable for loss, damage or delay to any of the goods described in the bill of lading caused by an act of God, the Queen's or public enemies, riots, strikes, defect or inherent vice in the goods, the act or default of the shipper or owner, the authority of law, quarantine or differences in weights of grain, seed, live stock or other commodities caused by natural shrinkage.
6. Where goods are stopped and held in transit at the request of the party entitled to request it, the goods are held at the risk of the owner.
7. No carrier is bound to transport the goods by any particular public commercial vehicle or in time for any particular market or otherwise than with due despatch, unless by agreement specifically endorsed on the bill of lading and signed by the parties thereto.

8. In the case of physical necessity, the carrier has the right to forward the goods by any conveyance or by any route between the point of shipment and the point of destination but, if the goods are forwarded by a conveyance that is not a public commercial vehicle, the liability of the carrier is the same as though the entire carriage were by public commercial vehicle.
9. Subject to paragraph 10, the amount of any loss, damage or injury for which the carrier is liable, whether or not the loss, damage or injury results from negligence, shall be computed on the basis of,
 - (a) the value of the goods at the place and time of shipment including the freight and other charges if paid; or
 - (b) where a value lower than that referred to in clause *a* has been represented in writing by the consignor or has been agreed upon, such lower value.
10. Subject to paragraph 11, the amount of any loss or damage computed under clause *a* or *b* of paragraph 9 shall not exceed \$1.50 per pound unless a higher value is declared on the face of the bill of lading by the consignor.
11. Paragraph 10 does not apply to,
 - (a) a shipment of uncrated used household, office or store furniture; or
 - (b) where specially designed vehicles of the drop-frame type are used and equipped with pads, belts, hooks, wardrobes, and special packing containers, a shipment of,
 - (i) new uncrated furniture and fixtures that are part of the dwelling in which they are to be used,
 - (ii) new uncrated furniture and fixtures that are part of the furnishing of offices, museums, hospitals, factories and public institutions, or
 - (iii) objects of art, displays and exhibits that because of their unusual nature or value require specialized handling and the employment of pads, belts, hooks, wardrobes and special packing containers,where such shipment is made under an operating licence authorizing such shipment.
12. Where it is a term or condition that the goods are carried at the risk of the consignor or owner, the condition covers only such risks as are necessarily incidental to transportation and does not relieve the carrier from liability for any loss, damage, injury or delay that may result from any negligence or omission of the carrier, its agents or employees, and the burden of proving the absence of negligence or omission is on the carrier.
13. The carrier is not liable for loss, damage, injury or delay to any goods carried under the bill of lading unless notice thereof setting out particulars of the origin, destination and date of shipment of the goods and the estimated amount claimed in respect of such loss, damage, injury or delay is given in writing to the carrier at the point of delivery or at the point of origin within ninety days after the delivery of the goods, or, in the case of failure to make delivery, within ninety days after a reasonable time for delivery has elapsed.

14. Where, through no fault of the carrier, the carrier is unable to effect delivery of goods to the person entitled to receive them, the goods may,
 - (a) be kept in the warehouse of the carrier, subject to a reasonable charge for storage and to the carrier's responsibility as warehouseman only; or
 - (b) at the option of the carrier, after written notice of the carrier's intention to do so has been served on the consignor and consignee of the goods in person or by registered mail, be removed to, and stored in, a public or licensed warehouse at the expense of the owner of the goods and there held at the risk of the owner, without liability on the part of the carrier, and subject to a lien for all freight and other lawful charges including a reasonable charge for storage.
15. No carrier is bound to carry any documents, specie or any articles of extraordinary value unless by a special agreement to do so and, where the nature and stipulated value of the goods is disclosed to him, the duty of obtaining such special agreement is on the carrier.
16. The owner or consignee of the goods shall pay the freight and all other lawful charges accruing on the goods and, if required by the carrier, shall pay them before delivery and, if the goods shipped are not those described in the bill of lading, the freight charges shall be paid upon the goods actually shipped with any additional penalties due.
17. Every person, whether as principal or agent, shipping explosives or dangerous goods without previous full written disclosure to the carrier of their nature, shall indemnify the carrier against all loss, damage or injury caused thereby, and the goods may be warehoused at the risk and expense of the owner of the goods.
18. Any alteration, addition or erasure in a bill of lading shall be signed or initialled by the parties thereto.

SCHEDULE B

1. The freight forwarder of the goods herein described is liable for any loss thereof or damage or injury thereto, except as herein provided.
2. The freight forwarder is not liable for loss, damage or delay to any of the goods described in the bill of lading caused by an act of God, the Queen's or public enemies, riots, strikes, defect or inherent vice in the goods, the act or default of the shipper or owner, the authority of law, quarantine or differences in weights of grain, seed, live stock or other commodities caused by natural shrinkage.
3. No freight forwarder is bound to transport the goods in time for any particular market or otherwise than with due despatch, unless by agreement specifically endorsed on the bill of lading and signed by the parties thereto.
4. The amount of any loss, damage or injury for which the freight forwarder is liable, whether or not the loss, damage or injury results from negligence, shall be computed on the basis of,
 - (a) the value of the goods at the place and time of shipment including the freight and other charges if paid; or

(b)

- (b) where a value lower than that referred to in clause *a* has been represented in writing by the consignor or has been agreed upon, such lower value.
5. Where it is a term or condition that the goods are carried at the risk of the consignor or owner, the condition covers only such risks as are necessarily incidental to transportation and does not relieve the freight forwarder from liability for any loss, damage or injury or delay that may result from any negligence or omission of the freight forwarder, its agents or employees, and the burden of proving the absence of negligence or omission is on the freight forwarder.
 6. The freight forwarder is not liable for loss, damage, injury or delay to any goods carried under the bill of lading unless notice thereof setting out particulars of the origin, destination and date of shipment of the goods and the estimated amount claimed in respect of such loss, damage, injury or delay is given in writing to the freight forwarder at the point of delivery or at the point of origin within ninety days after the delivery of the goods, or, in the case of failure to make delivery, within ninety days after a reasonable time for delivery has elapsed.
 7. No freight forwarder is bound to carry any documents, specie or any articles of extraordinary value unless by a special agreement to do so and, where the nature and stipulated value of the goods is disclosed to him, the duty of obtaining such special agreement is on the freight forwarder.
 8. Every person, whether as principal or agent, shipping explosives or dangerous goods without previous full written disclosure to the freight forwarder of their nature, shall indemnify the freight forwarder against all loss, damage or injury caused thereby, and the goods may be warehoused at the risk and expense of the owner of the goods.
 9. Any alteration, addition or erasure in a bill of lading shall be signed or initialed by the parties thereto.

72. Section 2 of *The Public Halls Act* is amended by adding thereto the following subsection: R.S.O. 1970,
c. 376, s. 2,
amended

- (2) No application for a licence for a public hall for use as a place of public assembly shall be refused until after the applicant has been afforded a hearing by the licence issuing authority. Hearing

73.—(1) Sections 5 and 6 of *The Public Trustee Act* are repealed and the following substituted therefor: R.S.O. 1970,
c. 389, ss. 5, 6,
re-enacted

5. The Public Trustee shall discharge the duties imposed upon him by *The Crown Administration of Estates Act*, *The Charities Accounting Act* and any other Act of the Legislature or by the Lieutenant Governor in Council, and he shall also make inquiries from time to time as to property that has escheated, or become forfeited for any cause to the Crown, or in which the Crown in right of Ontario may be interested. Duties
R.S.O. 1970,
cc. 99, 63

Powers of
inquiry

1971, c. 49

6. For the purposes of an inquiry under section 5, the Public Trustee has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

R.S.O. 1970,
c. 389, s. 14,
cl. *h*,
repealed

- (2) Clause *h* of section 14 of *The Public Trustee Act* is repealed.

R.S.O. 1970,
c. 389,
amended

- (3) *The Public Trustee Act* is amended by adding thereto the following sections:

Matters
confidential

18. Every person employed in the performance of the duties imposed upon the Public Trustee by this or any other Act or by the Lieutenant Governor in Council shall preserve secrecy with respect to all matters that come to his knowledge in the course of such employment and shall not communicate any such matters to any person other than to a person legally entitled thereto or to his legal counsel except as may be required in connection with the administration of this Act and the regulations under this Act or any proceedings thereunder.

Report

19. The Public Trustee shall, at the end of each fiscal year, prepare a report on his operations and submit it to the Minister of Justice and Attorney General who shall submit the report to the Lieutenant Governor in Council and then lay the report before the Assembly, if it is in session, or, if not, at the next ensuing session.

R.S.O. 1970,
c. 392, s. 1,
amended

- 74.**—(1) Section 1 of *The Public Vehicles Act* is amended by adding thereto the following clauses:

(*ea*) “officer of the Department” means an officer of the Department designated, in writing, by the Minister to assist in the enforcement of this Act;

(*fa*) “prescribed” means prescribed by the regulations.

R.S.O. 1970,
c. 392, s. 2,
subs. 2,
repealed

- (2) Subsection 2 of section 2 of *The Public Vehicles Act* is repealed.

R.S.O. 1970,
c. 392, ss. 3-6,
re-enacted;
s. 7, repealed

- (3) Sections 3 to 7 of *The Public Vehicles Act* are repealed and the following substituted therefor:

3.—(1) The Minister may issue an operating licence in accordance with a certificate of necessity and convenience issued by the Board under section 4. Operating licence, issue

(2) An operating licence authorizes the licensee to conduct upon a highway by means of a public vehicle the business of a carrier of passengers or of passengers and express freight, in accordance with this Act and the regulations and the terms and conditions of the licence. Rights under

(3) The holder of an operating licence shall not discontinue any scheduled service authorized under his licence until after giving the Minister ten days written notice of his intention to do so. Discontinuance of scheduled service

(4) Where the holder of an operating licence fails to provide a scheduled service authorized by his licence for more than twenty-four hours, he shall give, Failure to provide scheduled service

(a) a written report to the Minister; and

(b) a notice to the public in the area affected,

indicating the cause of the failure and its probable duration.

(5) A notice to the public under subsection 4 shall be given by publication in a newspaper published in the area affected and by posting it at the scheduled stopping places on the highway in respect of which the service has not been provided. Notice

4.—(1) The Minister shall not issue an operating licence to any person unless the Board, upon the application of that person in the prescribed form has, after a hearing of the application as required by *The Ontario Highway Transport Board Act*, approved the issue of the licence to him on the ground that public necessity and convenience warrant the issue of the licence and will be served thereby, and has issued a certificate to that effect to the Minister. Approval by Board
R.S.O. 1970, c. 316

(2) The Board may, in a certificate issued by it under this section, having regard to the requirements of public necessity and convenience, Certificate

(a) prescribe terms and conditions to govern the transportation of passengers or of passengers and express freight by public vehicles pursuant to the licence; or

(b)

- (b) approve the conferring by the licence of special, exclusive or limited rights with respect to the operation of public vehicles and with respect to any highway or highways or portions thereof described in the certificate.

Approval
for renewal

- (3) Notwithstanding subsection 1, the approval of the Board is not required for renewal of a licence unless the Minister refers the application for renewal to the Board, in which case subsection 1 applies.

Transfer of
operating
licence

- 5.—(1) No operating licence shall be transferred without the approval, in writing, of the Minister obtained on application in the prescribed form and payment of the prescribed fee.

Application
for approval,
hearing

- (2) The Minister shall refer an application for approval of the transfer of an operating licence to the Board and the Board shall hold a hearing and shall report to the Minister whether or not the public necessity and convenience served by the transportation service carried on under the licence will be prejudiced by the transfer of the licence.

Parties

- (3) The Minister, the proposed transferor and transferee and such other persons as the Board specifies are parties to the proceedings under this section.

Decision of
Minister

- (4) The Minister shall consider a report made by the Board to him under this section and may thereafter approve or refuse to approve the transfer and the Minister shall give reasons for his decision to the other parties to the proceedings.

Issue or
transfer
of shares of
corporation

- (5) The Minister may require the directors of a corporation that is the holder of an operating licence to report to the Board any issue or transfer of shares of its capital stock and where the Board finds, after a hearing, that the number of shares so issued or transferred affects the *de facto* control of the operations of the corporation such issue or transfer shall be deemed to constitute a transfer of all operating licences held by such corporation and, unless the transfer is approved, such operating licences shall terminate.

Review of
terms of
licence

- (6) The Minister may at any time refer an operating licence to the Board with a recommendation that the terms and conditions of the licence be reviewed, having regard to the requirements of public necessity

and

and convenience, and the Board shall, after a hearing of the reference as required by *The Ontario Highway Transport Board Act*, report thereon to the Minister, and the Minister may confirm, amend or cancel the terms and conditions of the licence and shall give reasons for his decision to the licensee. R.S.O. 1970,
c. 316

6.—(1) An operating licence expires on the 1st day of July in each year unless on or before that day the licensee has applied for and acquired vehicle licences for the vehicles operated pursuant to the operating licence for the current year. Expiry of
licence

(2) Where the holder of an operating licence has acquired vehicle licences in accordance with subsection 1, his operating licence shall be deemed to be renewed. Operating
licence
renewed on
acquisition
of vehicle
licences

(4) *The Public Vehicles Act* is amended by adding thereto the following sections: R.S.O. 1970,
c. 392,
amended

9a. Subject to section 9g, the Minister may suspend or cancel an operating licence, Suspension
or cancel-
lation of
operating
licence

(a) where the licensee fails to begin operations as a carrier in accordance with the licence within thirty days after the issue of the licence or within such further period as is specified in the licence;

(b) where the licensee fails for a continuous period of thirty days to carry on operations as a carrier in accordance with the licence;

(c) where the licensee is financially incapable of providing or continuing to provide transportation services in accordance with this Act and the regulations or the terms and conditions of the licence or of meeting his financial responsibilities to persons using such services; or

(d) where the licensee or any person under his control and direction contravenes this Act or *The Highway Traffic Act* or the regulations hereunder or thereunder or the terms and conditions of the licence and such contravention affords reasonable grounds for believing that the business of a carrier will not be carried on pursuant to the licence in accordance with the requirements of such Acts or regulations or such terms and conditions. R.S.O. 1970,
c. 202

Vehicle
licence,
required

9b. Notwithstanding the provisions of any private Act, no person shall operate a public vehicle unless the vehicle is licensed as a public vehicle under this Act.

Issue to
holder of
operating
licence

9c.—(1) Subject to subsection 2 and section 9f, the holder of an operating licence is entitled, upon application to the Minister in the prescribed form, to be issued by the Minister vehicle licences for public vehicles for operation pursuant to his operating licence.

To registered
owner only

(2) No vehicle licence shall be issued for a public vehicle except to the person registered as owner of the vehicle under *The Highway Traffic Act*.

R.S.O. 1970,
c. 202

Rights
under
vehicle
licence

9d.—(1) A vehicle licence authorizes the holder to operate the vehicle for which it is issued as a public vehicle on the highways designated in his operating licence or on charter or special trips in accordance with the regulations.

Expiry of
licence

(2) A vehicle licence expires on the 31st day of March in each year.

Transfer

(3) Where a vehicle for which a vehicle licence was issued is sold to the holder of an operating licence, the Minister may transfer the vehicle licence and licence plate for the vehicle to such holder, but no vehicle licence may be transferred in any other case.

Number of
passengers
and tonnage
of freight

9e.—(1) The Minister may, in a vehicle licence, fix the number of passengers or tonnage of express freight, or both, that the vehicle may carry and, subject to subsection 1 of section 16, no vehicle shall at any time carry more passengers or more tonnage than is fixed by the licence issued with respect to the vehicle.

Licence
plate

(2) Every public vehicle shall, while operated on a highway, have attached thereto and exposed in a conspicuous place, a licence number issued by the Minister showing in plain figures the number of the vehicle licence issued for the vehicle for the current year.

Refusal to
issue or
cancellation
of vehicle
licence

9f. Subject to section 9g, the Minister may refuse to issue or may cancel a vehicle licence if the applicant or licensee is not, or ceases to be, registered as owner of the vehicle under *The Highway Traffic Act* or if the vehicle does not comply with the requirements of this Act or *The Highway Traffic Act* or the regulations hereunder or thereunder.

9g.—(1) Where the Minister proposes,

Notice of
proposal
to cancel, etc.,
hearing

- (a) to suspend or cancel an operating licence under section 9a; or
- (b) to refuse to issue or to cancel a vehicle licence under section 9f,

he shall cause notice of his proposal together with written reasons therefor to be served on the applicant or licensee informing him that he has a right to a hearing by the Board if he mails or delivers, within fifteen days after service on him of the notice from the Minister, notice in writing requiring a hearing to the Minister and the Board, and the applicant or licensee may so require such a hearing.

(2) Where an applicant or licensee,

Where
hearing
required or
not required

- (a) does not give notice in accordance with subsection 1 requiring a hearing by the Board, the Minister may forthwith refuse to issue or suspend or cancel his licence; or
- (b) gives notice in accordance with subsection 1 requiring a hearing by the Board, the Minister shall refer the matter to the Board for a hearing.

(3) The Minister may cause a notice under subsection 1 to be served personally or by registered mail addressed to the applicant or licensee at his address last known to the Minister and, where notice is served by registered mail, the notice shall be presumed to have been served on the third day after the day of mailing unless the person on whom notice is being served establishes to the Board that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

Service
of notice

(4) The Board, on application of an applicant or licensee, may extend the time for giving notice requiring a hearing under subsection 1, either before or after expiration of the time fixed therein, where the Board is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension, and may give such directions as the Board considers proper consequent upon the extension.

Extension
time for
giving
notice by
applicant

Parties
to hearing

- (5) The Minister, the applicant or licensee and such other persons as the Board may specify are parties to a hearing under this section.

Notice of
hearing

- (6) Notice of a hearing under this section shall afford to the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of his licence.

Examination
of docu-
mentary
evidence

- (7) The Minister shall afford to the applicant or licensee, or his representative, an opportunity to examine before the hearing any written or documentary evidence that will be introduced or any report the contents of which will be given in evidence at the hearing.

Report to
Minister

- (8) The Board shall, after a hearing under this section, make a report to the Minister which shall set out its findings of fact and conclusions of law and its recommendations as to the issue, suspension or cancellation of the licence to which it relates.

Decision of
Minister

- (9) After considering a report of the Board under this section, the Minister may carry out the proposal or refrain from carrying out the proposal to which it relates and shall give reasons for his decision to the applicant or licensee.

R.S.O. 1970,
c. 392,
ss. 10-12,
re-enacted

- (5) Sections 10, 11 and 12 of *The Public Vehicles Act* are repealed and the following substituted therefor:

Tolls

- 10.—(1) Subject to section 11, no tolls shall be charged by the licensee for services rendered pursuant to his operating licence until a tariff thereof has been filed with and approved by the Minister as being fair and reasonable, or otherwise than in accordance with such tariff.

Revised
tariff of
tolls

- (2) Subject to section 11, where a tariff of tolls has been approved by the Minister under subsection 1, the Minister may at any time revise such tariff and make such changes therein as are fair and reasonable and thereafter no tolls shall be charged except in accordance with the revised tariff.

Reference
to Board

- 11.—(1) Before refusing to approve a tariff of tolls filed with him or before revising a tariff of tolls without the consent of the licensee who filed the tariff, the Minister shall refer the matter to the Board for a hearing and report.

- (2) Pursuant to a reference under this section, the Board^{Hearing} shall hold a hearing to inquire whether the tariff of tolls should be approved as filed or approved with amendments or revised.
 - (3) The Minister, the licensee and such other persons as^{Parties} the Board may specify are parties to a hearing under this section.
 - (4) The Board shall at the conclusion of a hearing under this section make a report to the Minister, which shall set out a summary of the representations of the parties, its findings of fact and any other information that it considers relevant to determining fair and reasonable rates.^{Report to Minister}
 - (5) After considering the report of the Board under this section, the Minister may approve the tariff of tolls filed with him either as the tariff was filed or as amended or may revise the tariff of tolls to which the report relates and shall give written notice of his decision to the licensee stating the reasons therefor.^{Decision of Minister}
- 12.—(1) The holder of an operating licence shall pay to the Minister fees in accordance with this section for his operating and vehicle licences for each month during the currency of his operating licence on or before the 15th day of the next succeeding month.^{Fees, payable}
- (2) The fees payable under this section are, amount of
 - (a) three cents for each one hundred passenger miles of travel, or portion thereof, over a Class A highway; and
 - (b) two cents for each one hundred passenger miles of travel, or portion thereof, over a Class B highway.
 - (3) For the purposes of subsection 2, passenger miles of travel shall be computed, ^{Passenger miles of travel}
 - (a) in the case of scheduled trips, by multiplying,
 - (i) the seating capacity of each vehicle operated, or
 - (ii)

- (ii) the average seating capacity where two or more vehicles having different seating capacities are operated,

by the number of miles travelled in the month; and

- (b) in the case of a chartered trip or a special trip as prescribed by the regulations, by multiplying the seating capacity of each vehicle used by the number of miles actually travelled on the trip each way.

Seating
capacity

- (4) For the purposes of subsection 3, seating capacity shall be computed by dividing by eighteen the aggregate length of inches of all seats provided for passengers in a vehicle but, where a seat is designed for the accommodation of one or two passengers only, the actual aggregate number of passenger seats shall be used.

Report
where more
than one
vehicle
operated

- (5) Where more than one vehicle is operated by a licensee on a scheduled trip, the licensee shall forward to the Department on the day following the trip a report indicating the number of vehicles.

Exemptions

- (6) No fees are payable under this section for the operation of,
 - (a) vehicles licensed as school buses in accordance with the regulations; or
 - (b) public vehicles owned by non-residents of Ontario and,
 - (i) operated in Ontario on a scheduled service originating outside Ontario only within ten miles of the provincial boundary, or
 - (ii) operated in Ontario exclusively on chartered trips originating outside Ontario,

if the province or state of the non-residents grants similar exemptions and privileges for public vehicles owned by residents of Ontario.

(7) In this section,

Class
A and B
highways

(a) "Class A highway" means the King's Highway; and

(b) "Class B highway" means a highway other than,

(i) the King's Highway,

(ii) a highway under the jurisdiction of The Niagara Parks Commission, and

(iii) a highway under the jurisdiction of the council of a city, town or village.

(6) *The Public Vehicles Act* is amended by adding thereto the following sections:

R.S.O. 1970,
c. 392,
amended

22a.—(1) A member of the Ontario Provincial Police Force or an officer of the Department may examine, at any reasonable time, any public vehicle, its contents and equipment.

Examination
of vehicle,
etc.

(2) An officer of the Department may at any reasonable time examine all books, records and documents of the holder of an operating licence relating to the business of operating public vehicles for the purpose of ensuring that the provisions of this Act and the regulations are being complied with and such officer may, for the purposes of such examination, upon producing his designation as an officer, enter at any reasonable time the business premises of the holder.

Examination
of records,
etc., of
holder of
operating
licence

22b. Each person employed in the administration of this Act, including any person making an examination under section 22a, shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties or employment or on an examination under section 22a and shall not communicate any such matters to any other person except,

Matters
confidential

(a) as may be required in connection with the administration of this Act and the regulations or any proceeding under this Act or the regulations; or

(b) to his counsel; or

(c) with the consent of the person to whom the information relates.

R.S.O. 1970,
c. 392, s. 25,
cl. a,
re-enacted;
cl. b,
repealed

(7) Clauses *a* and *b* of section 25 of *The Public Vehicles Act* are repealed and the following substituted therefor:

- (a) governing the forms of applications and licences under this Act.

R.S.O. 1970,
c. 392, s. 25,
cls. *h*, *n*,
repealed

- (8) Clauses *h* and *n* of the said section 25 are repealed.

R.S.O. 1970,
c. 400, s. 4,
subs. 2,
re-enacted

75.—(1) Subsection 2 of section 4 of *The Railway Fire Charge Act* is repealed and the following substituted therefor:

Apportion-
ment of
charge

- (2) If at any time any question arises between the owner and tenant of any railway land as to the proportion in which the charge imposed by this Act is to be borne as between the owner and tenant, either the owner or the tenant may apply to the collector to fix the proportion and the decision of the collector is, unless appealed from as provided in this Act, final and binding as between the owner and the tenant.

R.S.O. 1970,
c. 400, s. 5,
re-enacted

(2) Section 5 of *The Railway Fire Charge Act* is repealed and the following substituted therefor:

Exemption of
agricultural
lands

5. Where railway lands or any part thereof were during a calendar year actually and in good faith in use for agricultural purposes, the owner or tenant is entitled to a reduction of the charge payable by him under this Act in the following year to the extent to which such railway lands were so used if he applies therefor to the collector on or before the first day of January in the following year, and the collector may decide whether such owner or tenant has established that he is entitled to such reduction and the decision of the collector is, unless appealed from as provided in this Act, final and binding.

R.S.O. 1970,
c. 400,
amended

(3) *The Railway Fire Charge Act* is amended by adding thereto the following section:

Appeal

8a.—(1) An owner or tenant may appeal to the county or district court of the county or district in which the lands are situate by filing in the prescribed form a notice of appeal claiming that,

(a) he has been wrongly included by the collector in the roll;

(b) the amount of the charge stated in a bill sent by the collector to him is wrong; or

(c)

(c) any decision of the collector under section 4 or 5 is wrong.

(2) The notice of appeal shall be filed with the court^{Notice} and served on the collector not later than sixty days after receipt of a bill by the appellant sent to to him by the collector under section 8.

(3) Where a notice of appeal has been filed with the court within the time limited by subsection 2, the judge thereof shall, on the application of either the appellant or collector, fix a time for hearing the appeal and the party who obtains the appointment shall serve on the other party notice of the hearing fifteen days before the hearing.^{Hearing}

(4) The judge, after hearing the appellant and the collector and any evidence adduced, may vary or annul the entry of the appellant's name in the roll or the amount of the charge stated in the bill sent to the appellant by the collector or the decision of the collector complained of.^{Decision}

(5) Subsections 4, 5 and 6 of section 18 of *The Provincial Land Tax Act* apply *mutatis mutandis* with respect to the decision of the court and the proceedings on an appeal under this section.^{Application of R.S.O. 1970, c. 370}

76.—(1) Section 1 of *The Real Estate and Business Brokers Act* is amended by adding thereto the following clauses:^{R.S.O. 1970, c. 401, s. 1, amended}

(ba) “business premises” does not include a dwelling;

.

(da) “dwelling” means any premises or any part thereof occupied as living accommodation.

(2) Sections 6, 8 and 9 of *The Real Estate and Business Brokers Act* are repealed and the following substituted therefor:^{R.S.O. 1970, c. 401, ss. 6, 8, 9, re-enacted}

6.—(1) An applicant is entitled to registration or renewal of registration by the Registrar except where,^{Registration of agencies}

(a) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of his business; or

(b)

- (b) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on business in accordance with law and with integrity and honesty; or
- (c) the applicant is a corporation and,
 - (i) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of its business, or
 - (ii) the past conduct of its officers or directors affords reasonable grounds for belief that its business will not be carried on in accordance with law and with integrity and honesty; or
- (d) the applicant is carrying on activities that are, or will be, if the applicant is registered, in contravention of this Act or the regulations.

Conditions of
registration

- (2) A registration is subject to such terms and conditions to give effect to the purposes of this Act as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations

Refusal
to register

- 8.—(1) Subject to section 9, the Registrar may refuse to register an applicant where in the Registrar's opinion the applicant is disentitled to registration under section 6 or 7.

Revocation

- (2) Subject to section 9, the Registrar may refuse to renew or may suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 6 or 7 if he were an applicant or where the registrant is in breach of a term or condition of the registration.

Notice of
proposal
to refuse
or revoke

- 9.—(1) Where the Registrar proposes to refuse to grant or renew a registration or proposes to suspend or revoke a registration, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or registrant.

Notice
requiring
hearing

- (2) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days

after

after the notice under section 1 is served on him, notice in writing requiring a hearing to the Registrar and the Tribunal, and he may so require such a hearing.

- (3) Where an applicant or registrant does not require a hearing by the Tribunal in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1. Powers of Registrar where no hearing
- (4) Where an applicant or registrant requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Registrar. Powers of Tribunal where hearing
- (5) The Tribunal may attach such terms and conditions to its order or to the registration as it considers proper to give effect to the purposes of this Act. Conditions of order
- (6) The Registrar, the applicant or registrant who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section. Parties
- (7) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration. Voluntary cancellation
- (8) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his registration, a registrant has applied for renewal of his registration and paid the prescribed fee, his registration shall be deemed to continue, Continuation of registration pending renewal
 - (a) until the renewal is granted; or
 - (b) where he is served with notice that the Registrar proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired and, where a hearing is required, until the Tribunal has made its order.

Order of
Tribunal
effective,
stay
R.S.O. 1970,
c. 113

- (9) Notwithstanding that a registrant appeals from an order of the Tribunal under section 9b of *The Department of Financial and Commercial Affairs Act*, the order takes effect immediately, but the Tribunal may grant a stay until disposition of the appeal.

R.S.O. 1970,
c. 401, ss. 10-22,
repealed

- (3) Sections 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 of *The Real Estate and Business Brokers Act* are repealed.

R.S.O. 1970,
c. 401, s. 26,
subs. 1,
cl. a,
re-enacted

- (4) Clause *a* of subsection 1 of section 26 of *The Real Estate and Business Brokers Act* is repealed and the following substituted therefor:

- (a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of the person being inspected that are relevant for the purposes of the inspection; and

R.S.O. 1970,
c. 401, s. 27,
re-enacted

- (5) Section 27 of *The Real Estate and Business Brokers Act* is repealed and the following substituted therefor:

Investiga-
tions by
order of
Minister

1971, c. 49

27. The Minister may by order appoint a person to make an investigation into any matter to which this Act applies as may be specified in the Minister's order and the person appointed shall report the result of his investigation to the Minister and, for the purposes of the investigation, the person making it has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under that Act.

Investigation
by Director

- 27a.—(1) Where, upon a statement made under oath, the Director believes on reasonable and probable grounds that any person has,

- (a) contravened any of the provisions of this Act or the regulations; or

1953-54, c. 51,
(Can.)

- (b) committed an offence under the *Criminal Code* (Canada) or under the law of any jurisdiction that is relevant to his fitness for registration under this Act,

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulation or the commission of such an offence has occurred, and the person appointed shall report the result of his investigation to the Director.

- (2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may,
- (a) upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, papers, documents and things relevant to the subject-matter of the investigation; and
 - (b) inquire into negotiations, transactions, loans, borrowings made by or on behalf of or in relation to such person and into property, assets or things owned, acquired or alienated in whole or in part by him or any person acting on his behalf that are relevant to the subject-matter of the investigation,

Powers of investigator

and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act*, 1971, c. 49, 1971, which Part applies to such inquiry as if it were an inquiry under that Act.

- (3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation.
- (4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, papers, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 2, issue an

Obstruction of investigator

Search warrant

order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night.

Removal of
books, etc.

- (5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, papers, documents or things examined under clause *a* of subsection 2 or subsection 4 relating to the person whose affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out with reasonable dispatch and the books, papers or documents in question shall be promptly thereafter returned to the person whose affairs are being investigated.

Admissibility
of copies

- (6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents.

Appointment
of experts

- (7) The Minister or Director may appoint any expert to examine books, papers, documents or things examined under clause *a* of subsection 2 or under subsection 4.

Matters
confidential

- 27*b*.—(1) Every person employed in the administration of this Act, including any person making an inquiry, inspection or an investigation under section 24, 25, 26, 27 or 27*a*, shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except,

- (*a*) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations; or

(*b*)

(b) to his counsel; or

(c) with the consent of the person to whom the information relates.

- (2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act or the regulations. Testimony
in civil suit

(6) Section 28 of *The Real Estate and Business Brokers Act* is amended by striking out "27" in the second line and inserting in lieu thereof "27a". R.S.O. 1970,
c. 401, s. 28,
amended

(7) Subsection 1 of section 29 of *The Real Estate and Business Brokers Act* is repealed and the following substituted therefor: R.S.O. 1970,
c. 401, s. 29,
subs. 1,
re-enacted

(1) Where,

(a) an investigation of any person has been ordered under section 27a; or

(b) criminal proceedings or proceedings in relation to a contravention of any Act or regulation are about to be or have been instituted against a person that are connected with or arise out of the business in respect of which such person is registered,

Order to
refrain from
dealing with
assets

the Director, if he believes it advisable for the protection of clients or customers of the person referred to in clause *a* or *b*, may, in writing or by telegram, direct any person having on deposit or under control or for safekeeping any assets or trust funds of the person referred to in clause *a* or *b* to hold such assets or trust funds or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such assets or trust funds from any person having any of them on deposit or under control or for safekeeping or to hold such assets or any trust funds of clients, customers or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The*

R.S.O. 1970,
cc. 228, 89, 53
R.S.C. 1952,
cc. 14, 296

Judicature Act, The Corporations Act, The Business Corporations Act or the Winding-up Act (Canada), or until the Director revokes or the Tribunal cancels such direction or consents to the release of any particular assets or trust funds from the direction but, in the case of a bank, loan or trust company, the direction only applies to the office, branches or agencies thereof named in the direction.

R.S.O. 1970,
c. 401, s. 29
amended

(8) The said section 29 is amended by adding thereto the following subsection:

Application
for cancella-
tion of
direction or
registration

(5) Any person referred to in clause *a* or *b* of subsection 1 in respect of whom a direction has been given by the Director under subsection 1 or any person having an interest in land in respect of which a notice has been registered under subsection 4 may, at any time, apply to the Tribunal for cancellation in whole or in part of the direction or registration and the Tribunal shall dispose of the application after a hearing and may, if it finds that such a direction or registration is not required in whole or in part for the protection of clients or customers of the applicant or of other persons interested in the land or that the interests of other persons are unduly prejudiced thereby, cancel the direction or registration in whole or in part, and the applicant, the Director and such other persons as the Tribunal may specify are parties to the proceedings before the Tribunal.

R.S.O. 1970,
c. 401, s. 53,
subs. 1,
re-enacted

(9) Subsection 1 of section 53 of *The Real Estate and Business Brokers Act* is repealed and the following substituted therefor:

Inquiries
re prospectus

(1) The Registrar may make such inquiries with respect to a prospectus as are necessary to determine whether a certificate of acceptance should be issued, including,

(a) an examination of the subdivision and any of the surrounding circumstances; and

(b) the obtaining of reports from public authorities or others within or outside Ontario.

R.S.O. 1970,
c. 401, s. 54,
re-enacted;
ss. 55, 57,
repealed

(10) Sections 54, 55 and 57 of *The Real Estate and Business Brokers Act* are repealed and the following substituted therefor:

54.—(1) The Registrar shall grant the certificate of acceptance where the requirements of this Act and the regulations have been complied with and he shall not refuse to grant such a certificate without serving a notice of his proposal to refuse on the person on whose behalf the prospectus was filed, and section 9 applies *mutatis mutandis* to the proposal in the same manner as to a proposal to refuse to register an applicant. Powers of Registrar

(2) Where it appears to the Registrar, subsequent to the filing of a prospectus and the granting of a certificate of acceptance therefor, that any of the conditions referred to in section 52 exist, he may revoke the certificate of acceptance and order that all trading in the subdivisions to which the prospectus refers shall cease forthwith. Stop orders

(3) Subject to subsection 4, the Registrar shall not revoke a certificate of acceptance and make an order under subsection 2 without serving notice of his proposal to revoke the certificate and make the order, together with written reasons therefor, on the person on whose behalf the prospectus was filed, and section 9 applies *mutatis mutandis* to the proposal in the same manner as to a proposal by the Registrar to revoke a registration. Notice of revocation of hearing

(4) The Registrar, by notice to the person on whose behalf a prospectus was filed, may provisionally suspend the certificate of acceptance and make a provisional order under subsection 2 where continued trading in the subdivision is, in the Registrar's opinion, an immediate threat to the public interest and the Registrar so states in such notice giving his reasons therefor, and thereafter section 9 applies as if the notice given under this section was a notice of proposal to revoke the certificate and make the order under subsection 3. Provisional order

(11) Section 60 of *The Real Estate and Business Brokers Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 401, s. 60, re-enacted

60. Where the Registrar believes on reasonable and probable grounds that a broker is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the False advertising

use of such material and section 9 applies *mutatis mutandis* to the order in the same manner as to a proposal by the Registrar to refuse a registration and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final.

R.S.O. 1970,
c. 401, s. 61,
subs. 2,
re-enacted

(12) Subsection 2 of section 61 of *The Real Estate and Business Brokers Act* is repealed and the following substituted therefor:

Where
service
deemed
to be made

(2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

R.S.O. 1970,
c. 401, s. 64,
cl. d,
amended

(13) Clause *d* of section 64 of *The Real Estate and Business Brokers Act* is amended by striking out "or to any such person, document or material," in the second and third lines.

R.S.O. 1970,
c. 401, s. 65,
cl. o,
repealed

(14) Clause *o* of section 65 of *The Real Estate and Business Brokers Act* is repealed.

R.S.O. 1970,
c. 409, s. 98,
re-enacted

77. Section 98 of *The Registry Act* is repealed and the following substituted therefor:

Powers of
Director
under
1971, c. 49

98. Where the Director in the performance of his duties under this Act has occasion to make an inquiry or to determine any matter, he has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry or determination as if it were an inquiry under that Act.

R.S.O. 1970,
c. 438, s. 1,
cl. a,
re-enacted

78.—(1) Clause *a* of section 1 of *The Silicosis Act* is repealed and the following substituted therefor:

(a) "Director" means the Senior Physician of the Occupational Chest Disease Section of the Department of Health;

(aa) "health certificate" means a health certificate issued under the regulations;

(ab)

(ab) "medical examiner" means a medical examiner designated or appointed in accordance with the regulations;

(ac) "Minister" means the Minister of Health;

(2) *The Silicosis Act* is amended by adding thereto the following section: R.S.O. 1970, c. 438, amended

3a.—(1) Health certificates under this Act may be issued, renewed or cancelled by medical examiners in accordance with the regulations. Health certificates, issue, etc.

(2) Where a medical examiner, after an examination of any person, refused to issue to him a health certificate or refuses to renew or cancels his health certificate, the person examined may apply in writing to the Director for a re-examination. Application for re-examination

(3) An application under subsection 2 for a re-examination shall be accompanied by a report by a legally qualified medical practitioner other than the medical examiner referred to in subsection 2 reporting that in his opinion the applicant is eligible to be issued a health certificate under this Act and the regulations. Application to be accompanied by report of physician

(4) Upon receiving an application for re-examination under this section, accompanied by the report referred to in subsection 3, the Director shall cause the applicant to be re-examined by a medical examiner other than the medical examiner referred to in subsection 2 or the medical practitioner referred to in subsection 3, and the examiner conducting the re-examination shall, after examining the applicant and considering the reports of such medical examiner and such medical practitioner, determine whether or not a health certificate should be issued to the applicant or his certificate renewed or the cancellation of his certificate revoked and the decision of the examiner making the re-examination shall be final. Re-examination

79. Section 2 of *The Spruce Pulpwood Exportation Act* is repealed. R.S.O. 1970, c. 442, s. 2, repealed

80. *The Stock Yards Act* is amended by adding thereto the following section: R.S.O. 1970, c. 448, amended

12a. Where the Board refuses an approval requested under section 12, the applicant for approval may appeal Appeal to Minister

the

the decision of the Board to the Minister who, after affording the applicant an opportunity to make representations, may confirm, rescind or alter the decision of the Board as the Minister considers proper, and the decision of the Minister is final.

R.S.O. 1970,
c. 453, s. 7,
re-enacted

81.—(1) Section 7 of *The Surveys Act* is repealed and the following substituted therefor:

Examination
re
boundaries,
etc.

7.—(1) Where a surveyor has reasonable grounds for believing that a person has information concerning a line, boundary, corner or post that may assist him in ascertaining its true position, or has a writing, plan or document concerning the true position of a line, boundary, corner or post, he may examine such person under oath or require such person to produce such writing, plan or document for his inspection and for such purposes the surveyor has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

1971, c. 49

Statement
under oath

(2) The surveyor may cause evidence taken by him under this section to be put in writing in the form of a statement under oath.

R.S.O. 1970,
c. 453, s. 62,
cl. *d*,
repealed

(2) Clause *d* of section 62 of *The Surveys Act* is repealed.

R.S.O. 1970,
c. 459, s. 4,
subs. 2,
cls. *c-e*,
re-enacted

82.—(1) Clauses *c*, *d* and *e* of subsection 2 of section 4 of *The Theatres Act* are repealed and the following substituted therefor:

- (c) by order in writing, to prohibit the use or exhibition of any film that he believes on reasonable and probable grounds may not be safely used or exhibited;
- (d) by order in writing, to prohibit the use of a projector that he believes on reasonable and probable grounds was installed or operated contrary to this Act or the regulations;
- (e) to seize, remove and hold any projector that he believes on reasonable and probable grounds was installed or was or is operated, or any film or advertising that he believes on reasonable and probable grounds was exhibited or was or is used, contrary to this Act or the regulations.

(2) Section 6 of *The Theatres Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 459, s. 6,
re-enacted

6.—(1) Any person to whom an inspector has issued an order under section 4 or who claims an interest in any projector, film or advertising seized by an inspector under section 4 may, within ten days after the issue of such order or after seizure, apply to the Director for a review of the order or release of the projector, film or advertising and the Director may, after a hearing, confirm, vary or annul the order of the inspector or direct the release of the projector, film or advertising.

Review of
inspector's
order

(2) Where a projector, film or advertising has been seized by an inspector under section 4,

Forfeiture of
seized
projector, etc.

(a) if no application for a review of the seizure is made to the Director within ten days after the seizure; or

(b) if the Director finds after a hearing that the projector, film or advertising was installed, used or exhibited in contravention of this Act or the regulations,

the Director may, subject to appeal as herein provided, direct that the projector, film or advertising is forfeited to the Crown.

(3) Section 9 of *The Theatres Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 459, s. 9,
re-enacted

9.—(1) All licences and renewals, suspensions or cancellations thereof under this Act shall be issued or made by the Director.

Issue,
renewal,
suspension,
etc., of
licences

(2) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue,

Continuation
of licences
pending
renewal

(a) until the renewal is granted; or

(b) where he is served with notice of a hearing by the Director, until the decision of the Director has become final.

Notice of
hearing

- (3) Where, under this Act, the Director is authorized to refuse to renew or to suspend or cancel a licence after a hearing, the notice of the hearing shall contain a statement of the facts or conduct which the Director believes warrant the intended action and shall afford to the licensee a reasonable opportunity to show or to achieve compliance before such hearing with all lawful requirements for the issue or retention of the licence.

Examination
of
documentary
evidence

- (4) The Director shall afford to an applicant or licensee who will be affected by a decision pursuant to a hearing, or his representative, an opportunity to examine, before such hearing, any written or documentary evidence that will be introduced or any report the contents of which will be given in evidence at the hearing.

R.S.O. 1970,
c. 459, s. 12,
re-enacted

- (4) Section 12 of *The Theatres Act* is repealed and the following substituted therefor:

Application
for licence

- 12.—(1) Subject to subsection 2, an applicant for a theatre licence is entitled, on payment of the prescribed fee, to be granted a theatre licence for the class of theatre prescribed by this Act applicable to the building in which the theatre is located, or the premises in which the films are exhibited.

Refusal to
issue licence

- (2) The Director may, after a hearing, refuse to issue a theatre licence to an applicant therefor if,
- (a) a theatre licence was previously issued to him under this Act and such licence is suspended or such licence was cancelled and the grounds for such cancellation continue to exist; or
 - (b) the theatre or the building in which the theatre is located or the premises in which films are exhibited do not conform to the requirements of this Act and the regulations.

R.S.O. 1970,
c. 459, ss. 14, 15,
re-enacted

- (5) Sections 14 and 15 of *The Theatres Act* are repealed and the following substituted therefor:

Application
for renewal

14. Subject to section 15, the holder of a theatre licence is entitled to a renewal thereof upon application therefor and payment of the prescribed fee.

- 15.—(1) The Director may, after a hearing, refuse to renew, or suspend or cancel a theatre licence, Refusal to renew, suspension or cancellation
- (a) if the licensee, manager or person in charge of the theatre has contravened any of the provisions of this Act or the regulations and his conduct raises a reasonable doubt as to whether he will comply with this Act and the regulations in operating the theatre; or
 - (b) if the theatre, or the building in which the theatre is located or the premises in which the films are exhibited do not conform to the requirements of this Act and the regulations.
- (2) The Director may provisionally suspend a theatre licence if he believes on reasonable grounds that the theatre cannot be safely operated as a theatre and shall immediately give notice of such provisional suspension to the licensee, manager or person in charge of the theatre. Provisional suspension
- (3) Where the Director has provisionally suspended a theatre licence under subsection 2, if the licensee, Hearing may be required
- (a) within ten days after receiving notice of the provisional suspension requests the Director to hold a hearing, the Director shall hold a hearing and may thereafter revoke the provisional suspension or, if he finds that the theatre cannot be safely operated, may suspend or cancel the licence; or
 - (b) does not request the Director to hold a hearing within ten days after receiving notice of the provisional suspension, the Director may cancel the licence and no new licence in place of it shall be issued until such time as the Director finds, on application of the licensee, that the theatre can be safely operated.

(6) *The Theatres Act* is amended by adding thereto the following section: R.S.O. 1970, c. 459, amended

28a. The examinations and tests provided by the Director shall be designed to determine the competence and ability of an applicant to act as a projectionist under the class of licence for which he applies. Examinations and tests

(7) Sections 30, 31, 32, 33 and 34 of *The Theatres Act* are repealed and the following substituted therefor: R.S.O. 1970, c. 459, ss. 30-34, re-enacted

Licences,
first-class

30.—(1) Subject to subsection 4, the holder of a second-class licence who has passed the examination and tests required by the Director for a first-class licence is entitled, on payment of the prescribed fee, to be issued a first-class licence by the Director.

second-class

(2) Subject to subsection 4, a person,

- (a) who is the holder of an apprentice licence and who has served as an apprentice for the period prescribed by the regulations; or
- (b) who has operated projection equipment elsewhere than in Ontario for a period longer than the period prescribed by the regulations to be served by an apprentice,

and who has passed the examinations and tests required by the Director for a second-class licence, is entitled, on payment of the prescribed fee, to be issued a second-class licence by the Director.

Apprentice

(3) Subject to subsection 4, a person,

- (a) who is eighteen years or more of age; and
- (b) who furnishes to the Director,
 - (i) proof of age,
 - (ii) satisfactory evidence of physical ability to handle projection and fire-fighting equipment, and
 - (iii) satisfactory evidence that he does not suffer from any physical or mental disability that would prevent him from operating projection equipment safely,

is entitled, on payment of the prescribed fee, to be issued an apprentice licence by the Director.

Refusal to
issue

(4) The Director may, after a hearing, refuse to issue a projectionist licence to a person to whom a projectionist licence was previously issued under this Act if such licence is suspended or such licence was cancelled and the grounds for such cancellation continue to exist.

31. Every projectionist licence expires on the 31st day of March in each year unless renewed on or before that day. Expiry of licence
32. Projectionist licences are not transferable. Transfer of licence
33. Subject to section 34, the holder of a projectionist licence is entitled to a renewal thereof upon application therefor and payment of the prescribed fee. Renewal
34. The Director may, after a hearing, refuse to renew or suspend or cancel the licence of a projectionist, Refusal to renew, suspension or cancellation
 - (a) if he has contravened any of the provisions of this Act or the regulations and his conduct raises a reasonable doubt as to whether he will comply with this Act and the regulations in the operation of a projector; or
 - (b) if he suffers from any physical or mental disability that prevents him from operating projection equipment safely or from handling fire-fighting equipment.

(8) Section 43 of *The Theatres Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 459, s. 43, re-enacted

- 43.—(1) Subject to subsection 2, an applicant for a film exchange licence is entitled, on payment of the prescribed fee, to be granted a film exchange licence. Film exchange licence, application
- (2) The Director may, after a hearing, refuse to issue a film exchange licence to an applicant therefor, Refusal to issue
 - (a) if a film exchange licence was previously issued to him under this Act and such licence is suspended or such licence was cancelled and the grounds for such cancellation continue to exist; or
 - (b) where the application is for a standard film exchange licence, if the building in which the film exchange is located,
 - (i) is not of fire resistive construction in that portion of the building in which film is handled or stored,
 - (ii) is occupied in whole or in part as a dwelling,

(iii) is occupied in whole or in part by another business that is dangerous to the carrying on of the business of the film exchange, or

(iv) otherwise does not comply with this Act and the regulations.

R.S.O. 1970,
c. 459,
ss. 45-47,
re-enacted

(9) Sections 45, 46 and 47 of *The Theatres Act* are repealed and the following substituted therefor:

Renewal
of licence

45. Subject to section 47, the holder of a film exchange licence is entitled to a renewal thereof upon application therefor and payment of the prescribed fee.

Transfer
of licence

46.—(1) The holder of a film exchange licence is entitled to transfer his licence with the written consent of the Director.

Consent of
Director

(2) The Director shall not refuse his consent under subsection 1 if the transferee would be entitled to the issue of the film exchange licence if he made application therefor.

Refusal to
renew,
suspension or
cancellation

47. The Director may, after a hearing, refuse to renew or suspend or cancel any film exchange licence if,

(a) the licensee has contravened any of the provisions of this Act or the regulations and his conduct raises a reasonable doubt as to whether he will comply with this Act and the regulations in carrying on the business of a film exchange; or

(b) the issue of a licence would be refused under clause *b* of subsection 2 of section 43 if the licensee were an applicant for a licence.

R.S.O. 1970,
c. 459, s. 52,
re-enacted

(10) Section 52 of *The Theatres Act* is repealed and the following substituted therefor:

Approval of
building
plans

52.—(1) No person shall construct or alter any building or premises intended for use as a theatre or to be occupied by a film exchange until the plans of the proposed construction or alteration have been submitted to the Director and have been approved by the Director in that they comply with the provisions of this Act and the regulations and provide for the safe operation of the theatre or film exchange.

- (2) Before refusing approval of any plans submitted to him under subsection 1, the Director shall hold a hearing of the application for approval. Hearing

(11) Subsection 2 of section 55 of *The Theatres Act* is repealed and the following substituted therefor: R.S.O. 1970,
c. 459, s. 55,
subs. 2,
re-enacted

- (2) Subject to section 56a, an applicant for a licence under this section is entitled, on payment of the prescribed fee, to be issued the licence. Issue

(12) Subsection 2 of section 56 of *The Theatres Act* is repealed and the following substituted therefor: R.S.O. 1970,
c. 459, s. 56,
subs. 2,
re-enacted

- (2) Subject to section 56a, an applicant for a licence under this section is entitled, on payment of the prescribed fee, to be issued the licence. Issue

(13) *The Theatres Act* is amended by adding thereto the following section: R.S.O. 1970,
c. 459,
amended

56a.—(1) The Director may, after a hearing, refuse to issue a licence to an applicant for a licence under section 55 or 56 who was previously issued a licence of the type for which he applies if such licence was cancelled and the grounds for such cancellation continue to exist. Refusal
to issue

- (2) The Director may, after a hearing, cancel a licence issued under section 55 or 56 if the licensee has contravened any of the provisions of this Act or the regulations and his conduct raises a reasonable doubt as to whether he will comply with this Act and the regulations in operating a projector or exhibiting films pursuant to the licence. Cancellation

(14) Section 57 of *The Theatres Act* is repealed and the following substituted therefor: R.S.O. 1970,
c. 459, s. 57,
re-enacted

57. No licence shall be suspended under this Act for a period longer than three months. Suspension
period
limited

57a.—(1) Any person who considers himself aggrieved by a decision of the Director or Assistant Director under this Act may, within fifteen days after receipt of the decision, appeal to the judge of the county or district court of the county or district, Appeal
to judge

- (a) in the case of a decision relating to a licence for or approval of a theatre or film exchange in which the building or premises to which the decision relates are located; or

(b)

(b) in any other case, where the person to whom the decision relates resides,
by applying to the judge for a hearing.

Extension of
time for
appeal

- (2) A judge to whom an application is made under subsection 1 may extend the time for making the application, either before or after expiration of the time fixed therein, where he is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension and may give such direction as he considers proper consequent upon the extension.

Hearing
de novo

- (3) Where a person appeals under this section to a judge, the judge shall appoint a time for and hear the appeal by way of a hearing *de novo* and the judge may affirm or reverse the decision of the Director or make a new decision in substitution therefor and for such purpose has all the powers of the Director to make such decision as he considers proper.

Parties

- (4) The appellant and the Director or the Assistant Director from whose decision the appeal is taken are parties to an appeal under this section.

Recording
of evidence

- (5) The oral evidence taken before the judge at a hearing shall be recorded, and if so required, copies or a transcript thereof shall be furnished upon the same terms as in the county court.

Findings of
fact

- (6) The findings of fact of a judge pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. 47

Appeal
to court

- 57b.—(1) Any party to proceedings before a judge under section 57a may appeal from his decision to the Supreme Court in accordance with the rules of court.

Record of
proceedings

- (2) Where any party appeals from a decision of a judge, the judge shall forthwith file in the Supreme Court the record of the proceedings before him in which the decision was made, which, together with the transcript of the evidence if it is not part of the judge's record, shall constitute the record in the appeal.

Minister
entitled
to be heard

- (3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

- (4) An appeal under this section may be made on questions of law or fact or both and the court may exercise all the powers of the judge, and for such purpose the court may substitute its opinion for that of the Director or of the judge, or the court may refer the matter back to the judge for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Powers of
court

- 57c. The bringing of an appeal under section 57a or 57b does not affect the suspension or cancellation of a licence pending the disposition of the appeal.

Effect of
appeal on
suspension,
etc.

- 57d. Where a licence has been suspended or cancelled under this Act pursuant to a decision of the Director or Assistant Director or by a judge or court on appeal therefrom, the Minister may, where he considers that undue hardship will be caused by such suspension or cancellation, and that it is not contrary to the purposes of this Act to do so, annul the suspension or cancellation.

Amendment
of suspension,
etc., by
Minister

- (15) Section 58 of *The Theatres Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 459, s. 58,
re-enacted

58. Every person who contravenes any of the provisions of this Act or the regulations or any order of the Board, Director, Assistant Director or an inspector is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500.

Offence

- (16) Subsection 1 of section 60 of *The Theatres Act* is amended by adding thereto the following paragraph:

R.S.O. 1970,
c. 459, s. 60,
subs. 1,
amended

- 21a. prescribing the period of time to be served by a person holding an apprentice licence as a projectionist before he is eligible to be granted a second-class licence as a projectionist.

- (17) Paragraph 29 of subsection 1 of the said section 60 is repealed.

R.S.O. 1970,
c. 459, s. 60,
subs. 1, par. 29,
repealed

- 83.**—(1) Section 7 of *The Trench Excavators' Protection Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 469, s. 7,
re-enacted

Order of
inspector

7.—(1) Where an inspector is of opinion that any provision of this Act or the regulations is being contravened, he may give such order in writing as is necessary to ensure compliance with such provision and, until such order is carried out, the work on that part of the trench in which the contravention occurs, other than such work as is necessary to carry out the order with safety, shall be suspended.

Appeal

(2) Any person who considers himself aggrieved by an order of an inspector made under subsection 1 may appeal to the chief officer who shall hear and dispose of the appeal as promptly as is practicable, but the bringing of such appeal does not affect the operation of the order appealed from pending disposition of the appeal.

Powers of
chief officer

(3) After hearing an appeal under this section, the chief officer may substitute his findings for those of the inspector and may,

(a) if he finds that no provision of this Act or the regulations is being contravened, rescind the order of the inspector; or

(b) if he finds that any provision of this Act or the regulations is being contravened, affirm the order of the inspector or make such new order in substitution therefor as is necessary to ensure compliance with this Act and the regulations.

Suspension
of work

(4) Where, on an appeal under this section, the chief officer affirms the order of an inspector appealed from or makes a new order under subsection 3, the work upon that part of the trench in which the contravention occurs, other than such work as is necessary to carry out the order with safety, shall be suspended until such affirmed or new order is carried out.

Contra-
vention of
order

(5) No person to whom an order of an inspector or the chief officer is directed under this section shall contravene or knowingly permit any person under his direction or control to contravene such order or to carry on work in contravention of subsection 1 or 3.

7a.—(1) Any person who considers himself aggrieved ^{Appeal from inspector} by a decision of an inspector under this Act or the regulations, other than an order under section 7, may appeal to the chief officer who shall hear and dispose of the appeal.

(2) On an appeal under this section, the chief officer may ^{Powers of chief officer} substitute his findings or opinions for those of the inspector who made the decision appealed from and may affirm or reverse the decision or make a new decision in substitution therefor and for such purpose the chief officer has all the powers of the inspector, and the decision of the chief officer shall stand in the place of and have like effect under this Act and the regulations as the decision of the inspector.

(3) In this section, a decision of an inspector under this Act or the regulations includes any decision, ^{Decision includes approvals, etc.} order, direction, approval, finding or permission made or given by an inspector under the authority of this Act or the regulations or the refusal thereof.

7b.—(1) An appeal under section 7 or 7a may be made ^{How appeals made} in writing or orally or by telephone, but the chief officer may require the grounds for appeal to be specified in writing before the hearing.

(2) The appellant, the inspector from whom the appeal ^{Parties} is taken and such other persons as the chief officer may specify are parties to an appeal under section 7 or 7a.

(2) Subsection 2 of section 31 of *The Trench Excavators' Protection Act* is repealed and the following substituted ^{R.S.O. 1970, c. 469, s. 31, subs. 2, re-enacted} therefor:

(2) Every person who is convicted of an offence for a ^{Additional penalty} contravention of subsection 5 of section 7, in addition to the penalties mentioned in subsection 1, is liable to a fine of not more than \$100 a day for every day upon which the contravention continued.

(3) Clause *d* of section 33 of *The Trench Excavators' Protection Act* is repealed. ^{R.S.O. 1970, c. 469, s. 33, cl. d, repealed}

R.S.O. 1970,
c. 474, s. 1,
subs. 1,
amended

84.—(1) Subsection 1 of section 1 of *The Upholstered and Stuffed Articles Act* is amended by relettering clauses *a* and *b* as clauses *b* and *ba* respectively and by adding thereto the following clauses:

(a) “business premises” does not include a dwelling;

(bb) “dwelling” means any premises or any part thereof occupied exclusively as living accommodation.

R.S.O. 1970,
c. 474, s. 5,
subs. 2,
amended

(2) Subsection 2 of section 5 of *The Upholstered and Stuffed Articles Act* is amended by striking out “The Registrar may refuse to grant registration where” in the first line and inserting in lieu thereof “Subject to section 9, the Registrar may refuse to grant registration to a person who otherwise has complied with the requirements of subsection 1 where”.

R.S.O. 1970,
c. 474, s. 7,
subs. 3,
re-enacted

(3) Subsection 3 of section 7 of *The Upholstered and Stuffed Articles Act* is repealed and the following substituted therefor:

Power of
entry

(3) For the purposes of subsection 1, the Registrar or any person designated in writing by him may enter at any reasonable time the business premises of such person and make an inspection in relation to the complaint.

R.S.O. 1970,
c. 474, s. 9,
subs. 1, cl. a,
re-enacted

(4) Clause *a* of subsection 1 of section 9 of *The Upholstered and Stuffed Articles Act* is repealed and the following substituted therefor:

(a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of the person being inspected that are relevant for the purposes of the inspection; and

R.S.O. 1970,
c. 474,
amended

(5) *The Upholstered and Stuffed Articles Act* is amended by adding thereto the following section:

Matters
confidential

9a. Every person employed in the administration of this Act, including any person making an inspection under section 7, 8, 9 or 31 shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties, employment or inspection and shall not communicate any such matters to any other person except,

(a)

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations; or
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

(6) Sections 10, 11, 12, 13, 14 and 15 of *The Upholstered and Stuffed Articles Act* are repealed and the following substituted therefor:

R.S.O. 1970,
c. 474, ss. 10, 11,
re-enacted;
ss. 12-15,
repealed

10. Subject to section 11, the Registrar may suspend or revoke a registration where the registrant has contravened this Act or the regulations and has refused to comply with this Act or the regulations after being requested to do so by the Registrar in writing. Suspension
and
revocation
- 11.—(1) Where the Registrar proposes to refuse to grant or renew a registration or proposes to suspend or revoke a registration, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or registrant. Notice of
proposal
to refuse
or revoke
- (2) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Tribunal, and he may so require such a hearing. Notice
requiring
hearing
- (3) Where an applicant or registrant does not require a hearing by the Tribunal in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1. Powers of
Registrar
where no
hearing
- (4) Where an applicant or registrant requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Registrar. Powers of
Tribunal
where
hearing

- Conditions of order (5) The Tribunal may attach such terms and conditions to its order or to the registration as it considers proper to give effect to the purposes of this Act.
- Parties (6) The Registrar, the applicant or registrant who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.
- Voluntary cancellation (7) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration.
- Order of Tribunal effective, stay
R.S.O. 1970, c. 113 (8) Notwithstanding that a registrant appeals from an order of the Tribunal under section 9b of *The Department of Financial and Commercial Affairs Act*, the order takes effect immediately, but the Tribunal may grant a stay until disposition of the appeal.
- R.S.O. 1970, c. 474, ss. 16-24, repealed (7) Sections 16, 17, 18, 19, 20, 21, 22, 23 and 24 of *The Upholstered and Stuffed Articles Act* are repealed.
- R.S.O. 1970, c. 474, s. 30, subss. 3-6, re-enacted (8) Subsections 3, 4, 5 and 6 of section 30 of *The Upholstered and Stuffed Articles Act* are repealed and the following substituted therefor:
- Appeal (3) Where the Registrar or local medical officer of health orders that an article be destroyed, he shall serve personally notice of such order, together with written reasons therefor, on the dealer informing him that he has a right to appeal to the Tribunal if he gives notice of appeal within five days after service of the notice by the Registrar or local medical officer of health, and the dealer may, within such time, file a notice of appeal with the Registrar and the Tribunal requiring a hearing by the Tribunal.
- Disposal of article prohibited (4) Pending an appeal, the appellant shall not dispose of the article forming the subject-matter of an appeal.
- Notice of appeal (5) Where a dealer within five days after service on him of a notice by the Registrar or local medical officer of health under subsection 3,
- (a) does not file a notice of appeal requiring a hearing by the Tribunal, the dealer shall forthwith carry out the order of the Registrar or local medical officer of health; or

- (b) files a notice of appeal requiring a hearing by the Tribunal, the Tribunal shall appoint a time for and hold a hearing and, after the hearing, may by order confirm, revoke or modify the order appealed from and the appellant shall carry out the order of the Tribunal.
- (6) The Registrar or the local medical officer of health,^{Parties} the dealer who has required the hearing and such other persons as the Tribunal may specify are parties to the appeal before the Tribunal under this section.
- (7) Section 9b of *The Department of Financial and Com-*^{Application of R.S.O. 1970, c. 113, s. 9e}
mercial Affairs Act does not apply to proceedings before the Tribunal under this section.
- (9) Clauses *a*, *b* and *c* of subsection 1 of section 31 of *The Upholstered and Stuffed Articles Act* are amended by^{R.S.O. 1970, c. 474, s. 31, subs. 1, cls. a-c, amended} inserting after "the" in the first line of each clause "business".
- (10) *The Upholstered and Stuffed Articles Act* is amended^{R.S.O. 1970, c. 474, amended} by adding thereto the following section:
- 31a.—(1) Where an off-sale label is affixed to an article^{Appeal} under section 31, the person affected may within five days thereafter file a notice of appeal with the Registrar and the Tribunal requiring a hearing by the Tribunal.
- (2) Where a person affected within five days after the^{Hearing by Tribunal} affixing of an off-sale label under subsection 1 files a notice of appeal requiring a hearing by the Tribunal, the Tribunal shall appoint a time for and hold a hearing and may by order confirm the affixing of the off-sale label or direct the Registrar or person designated in writing by him forthwith to remove the off-sale label.
- (3) The Registrar or person designated in writing by^{Parties} him, the person affected who has required the hearing and such other persons as the Tribunal may specify are parties to the appeal before the Tribunal under this section.
- (4) Section 9b of *The Department of Financial and Com-*^{Application of R.S.O. 1970, c. 113, s. 9b}
mercial Affairs Act does not apply to proceedings under this section.

R.S.O. 1970,
c. 474, s. 32,
subs. 1,
amended

(11) Subsection 1 of section 32 of *The Upholstered and Stuffed Articles Act* is amended by adding "or" at the end of clause *b* and by adding thereto the following clause:

(c) that has been ordered to be removed by the Tribunal under section 31*a*.

R.S.O. 1970,
c. 474, s. 35,
subs. 2,
re-enacted

(12) Subsection 2 of section 35 of *The Upholstered and Stuffed Articles Act* is repealed and the following substituted therefor:

Where service
deemed to
be made

(2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

R.S.O. 1970,
c. 475, s. 1,
amended

85.—(1) Section 1 of *The Used Car Dealers Act* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clauses:

(a) "business premises" does not include a dwelling;

.

(*ba*) "dwelling" means any premises or any part thereof occupied as living accommodation.

R.S.O. 1970,
c. 475, ss. 5-7,
re-enacted;
ss. 8-20,
repealed

(2) Sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 of *The Used Car Dealers Act* are repealed and the following substituted therefor:

Registration

5.—(1) An applicant is entitled to registration or renewal of registration by the Registrar except where,

(a) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of his business; or

(b) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on business in accordance with law and with integrity and honesty; or

(c) the applicant is a corporation and,

- (i) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of its business, or
 - (ii) the past conduct of its officers or directors affords reasonable grounds for belief that its business will not be carried on in accordance with law and with integrity and honesty; or
 - (d) the applicant is carrying on activities that are, or will be, if the applicant is registered, in contravention of this Act or the regulations.
- (2) A registration is subject to such terms and conditions to give effect to the purposes of this Act as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations. Conditions of registration
- 6.—(1) Subject to section 7, the Registrar may refuse to register an applicant where in the Registrar's opinion the applicant is disentitled to registration under section 5. Refusal to register
- (2) Subject to section 7, the Registrar may refuse to renew or may suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 5 if he were an applicant, or where the registrant is in breach of a term or condition of the registration. Suspension or revocation
- 7.—(1) Where the Registrar proposes to refuse to grant or renew a registration or proposes to suspend or revoke a registration, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or registrant. Notice of proposal to refuse or revoke
- (2) A notice under subsection 1 shall inform the applicant or registrant that he is/entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Tribunal, and he may so require such a hearing. Notice requiring hearing
- (3) Where an applicant or registrant does not require a hearing by the Tribunal in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1. Powers of Registrar where no hearing

Powers of
Tribunal
where
hearing

- (4) Where an applicant or registrant requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Registrar.

Conditions
of order

- (5) The Tribunal may attach such terms and conditions to its order or to the registration as it considers proper to give effect to the purposes of this Act.

Parties

- (6) The Registrar, the applicant or registrant who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.

Voluntary
cancellation

- (7) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration.

Continuation
of registra-
tion pending
renewal

- (8) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his registration, a registrant has applied for renewal of his registration and paid the prescribed fee, his registration shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice that the Registrar proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired and, where a hearing is required, until the Tribunal has made its order.

Order
effective, stay
R.S.O. 1970,
c. 113,

- (9) Notwithstanding that a registrant appeals from an order of the Tribunal under section 9b of *The Department of Financial and Commercial Affairs Act*, the order takes effect immediately, but the Tribunal may grant a stay until disposition of the appeal.

R.S.O. 1970,
c. 475, s. 24,
subs. 1, cl. a,
re-enacted

- (3) Clause *a* of subsection 1 of section 24 of *The Used Car Dealers Act* is repealed and the following substituted therefor:

(a)

- (a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of the person being inspected that are relevant for the purposes of the inspection; and

(4) Section 25 of *The Used Car Dealers Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 475, s. 25, re-enacted

25. The Minister may by order appoint a person to make an investigation into any matter to which this Act applies as may be specified in the Minister's order and the person appointed shall report the result of his investigation to the Minister and, for the purposes of the investigation, the person making it has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under that Act. Investigations by order of Minister 1971, c. 49

25a.—(1) Where, upon a statement made under oath, the Director believes on reasonable and probable grounds that any person has, Investigation by Director

(a) contravened any of the provisions of this Act or the regulations; or

(b) committed an offence under the *Criminal Code* (Canada) or under the law of any jurisdiction that is relevant to his fitness for registration under this Act, 1953-54, c. 51 (Can.)

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulations or the commission of such an offence has occurred and the person appointed shall report the result of his investigation to the Director.

- (2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may, Powers of investigator

(a) upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, papers, documents and things relevant to the subject-matter of the investigation; and

(b)

- (b) inquire into negotiations, transactions, loans, borrowings made by or on behalf of or in relation to such person and into property, assets or things owned, acquired or alienated in whole or in part by him or any person acting on his behalf that are relevant to the subject-matter of the investigation,

1971, c. 49

and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

Obstruction
of
investigator

- (3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation.

Search
warrant

- (4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, papers, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night.

Removal of
books, etc.

- (5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, papers, documents or things examined under clause *a* of subsection 2 or subsection 4 relating to the person whose affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out

with

with reasonable dispatch and the books, papers or documents in question shall be promptly thereafter returned to the person whose affairs are being investigated.

- (6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents. ^{Admissibility of copies}

- (7) The Minister or Director may appoint any expert to examine books, papers, documents or things examined under clause *a* of subsection 2 or under subsection 4. ^{Appointment of experts}

25b.—(1) Every person employed in the administration of this Act, including any person making an inquiry, inspection or an investigation under section 22, 23, 24, 25 or 25a, shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except, ^{Matters confidential}

(a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations; or

(b) to his counsel; or

(c) with the consent of the person to whom the information relates.

- (2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act or the regulations. ^{Testimony in civil suit}

(5) Section 26 of *The Used Car Dealers Act* is amended by striking out “25” in the second line and inserting in lieu thereof “25a”. ^{R.S.O. 1970, c. 475, s. 26, amended}

(6) Subsection 1 of section 27 of *The Used Car Dealers Act* is repealed and the following substituted therefor: ^{R.S.O. 1970, c. 475, s. 27, subs. 1, re-enacted}

Order to
refrain from
dealing with
assets

(1) Where,

- (a) an investigation of any person has been ordered under section 25a; or
- (b) criminal proceedings or proceedings in relation to a contravention of any Act or regulation are about to be or have been instituted against a person that are connected with or arise out of the business in respect of which such person is registered,

the Director, if he believes it advisable for the protection of clients or customers of the person referred to in clause *a* or *b* may, in writing or by telegram, direct any person having on deposit or under control or for safekeeping any assets or trust funds of the person referred to in clause *a* or *b* to hold such assets or trust funds or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such assets or trust funds from any person having any of them on deposit or under control or for safekeeping or to hold such assets or any trust funds of clients, customers or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act*, *The Business Corporations Act*, or the *Winding-up Act* (Canada), or until the Director revokes or the Tribunal cancels such direction or consents to the release of any particular assets or trust funds from the direction but, in the case of a bank, loan or trust company, the direction only applies to the office, branches or agencies thereof named in the direction.

R.S.O. 1970,
cc. 228, 89, 53

R.S.C. 1952,
cc. 14, 296

R.S.O. 1970,
c. 475, s. 27,
amended

(7) The said section 27 is amended by adding thereto the following subsection:

Cancellation
of direction
or
registration

- (5) Any person referred to in clause *a* or *b* of subsection 1 in respect of whom a direction has been given by the Director under subsection 1 or any person having an interest in land in respect of which a notice has been registered under subsection 4 may, at any time, apply to the Tribunal for cancellation in whole or in part of the direction or registration and the Tribunal shall dispose of the application after a hearing and may, if it finds that such a direction or registration is not required in whole or in part for

the

the protection of clients or customers of the applicant or of other persons interested in the land or that the interests of other persons are unduly prejudiced thereby, cancel the direction or registration in whole or in part, and the applicant, the Director and such other persons as the Tribunal may specify are parties to the proceedings before the Tribunal.

(8) Section 30 of *The Used Car Dealers Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 475, s. 30, re-enacted

30. Where the Registrar believes on reasonable and probable grounds that a used car dealer is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material and section 7 applies *mutatis mutandis* to the order in the same manner as to a proposal by the Registrar to refuse registration and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final. False advertising

(9) Subsection 2 of section 31 of *The Used Car Dealers Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 475, s. 31, subs. 2, re-enacted

(2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date. When service deemed to be made

(10) Clause *d* of section 34 of *The Used Car Dealers Act* is amended by striking out "or to any such person, document or material" in the second and third lines. R.S.O. 1970, c. 475, s. 34, cl. d, amended

86.—(1) Clause *b* of subsection 1 of section 7 of *The Vocational Rehabilitation Services Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 484, s. 7, subs. 1, cl. b, re-enacted

(*b*) receive applications for vocational rehabilitation services and shall exercise such powers and perform such duties in relation thereto and in relation to such services provided under this Act as are conferred or imposed on him by this Act and the regulations.

R.S.O. 1970,
c. 484, s. 7,
amended

(2) The said section 7 is amended by adding thereto the following subsections:

Delegation
of powers of
Director

(3) The Director, with the consent in writing of the Deputy Minister of Social and Family Services, may authorize any employee or class of employee of the Vocational Rehabilitation Services Branch of the Department of Social and Family Services to exercise and discharge any of the powers conferred or the duties imposed upon him under this Act.

Decision of
person
exercising
power of
Director

(4) Any decision, order or directive made or given by a person exercising powers and performing duties of the Director under subsection 2 or 3 shall be deemed to be a decision, order or directive of the Director for the purposes of this Act.

R.S.O. 1970,
c. 484,
amended

(3) *The Vocational Rehabilitation Services Act* is amended by adding thereto the following sections:

Eligibility
of applicant

7a. The Director shall determine the eligibility of each applicant to receive vocational rehabilitation services and, where the applicant is eligible, determine the amount or nature of the services in accordance with this Act and the regulations and direct provision thereof accordingly.

Suspension,
etc., of
services

7b. The Director may suspend or cancel vocational rehabilitation services being provided for a disabled person where the disabled person,

(a) ceases to be eligible for vocational rehabilitation services under this Act or the regulations;

(b) fails to avail himself of vocational rehabilitation services authorized for him;

(c) is not benefiting from the vocational rehabilitation services being provided for him;

(d) is not making satisfactory progress towards rehabilitation;

(e) fails to provide to the Director or his representative, including a field worker, the information required to determine initial or continuing eligibility to vocational rehabilitation services; or

(f) fails to comply with any provision of this Act and the regulations.

(4) Section 8 of *The Vocational Rehabilitation Services Act* R.S.O. 1970, c. 484, s. 8, re-enacted is repealed and the following substituted therefor:

8. Sections 10*c*, 12, 13, 13*a* and 13*c* of *The Family Benefits Act* Application of R.S.O. 1970, c. 157 apply, *mutatis mutandis*, to refusal of an application for, or the reduction, suspension or cancellation of vocational rehabilitation services by the Director, to requests for hearings by, and to hearings, proceedings and powers of the board of review established under that Act and to appeals therefrom to the Supreme Court, as if vocational rehabilitation services were benefits under that Act.

(5) *The Vocational Rehabilitation Services Act* is amended R.S.O. 1970, c. 484, amended by adding thereto the following section:

- 8*a*. Notwithstanding any decision of the Director, the board or the Supreme Court, a further application for services for vocational rehabilitation services may be made by an applicant upon new or other evidence or where material circumstances have changed. Further application for services

(6) Clause *m* of section 9 of *The Vocational Rehabilitation Services Act* is repealed. R.S.O. 1970, c. 484, s. 9, cl. m, repealed

87.—(1) Section 1 of *The Weed Control Act* is amended R.S.O. 1970, c. 493, s. 1, amended by relettering clause *a* as clause *aa* and by adding thereto the following clauses:

- (*a*) “Board” means the Seed-Cleaning Licence Review Board established by this Act;

.

- (*ba*) “Director” means the Director appointed under this Act;

.

- (*da*) “licence” means a licence to operate a seed-cleaning plant;

.

- (*ja*) “seed-cleaning plant” means a plant for the cleaning of grains or seeds for seed purposes.

(2) Section 3 of *The Weed Control Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 493, s. 3, re-enacted

3. The Lieutenant Governor in Council may appoint a Director to administer and enforce this Act, a chief inspector and a district weed inspector for any district designated in his appointment. Director, inspectors, chief and district

R.S.O. 1970,
c. 493, s. 11,
subs. 6,
re-enacted

(3) Subsection 6 of section 11 of *The Weed Control Act* is repealed and the following substituted therefor:

Disposition
of appeal

(6) The chief inspector may, after hearing an appeal under this section, confirm or revoke the order appealed from or may make a new order in place of such order, which shall be served in accordance with subsections 3 and 4.

Parties

(7) The appellant, the inspector who issued the order and such other persons as the chief inspector may specify are parties to proceedings before the chief inspector under subsection 6.

How appeal
made

(8) An appeal under this section may be made in writing or orally or by telephone to the chief inspector, but the chief inspector may require the grounds for appeal to be specified in writing before the hearing.

Examination
of land

(9) The chief inspector may, in the presence of the parties or after affording them an opportunity to be present, view and examine land in relation to which an order appealed from under this section is made and may give his decision upon the evidence adduced by the parties and on such view and examination.

R.S.O. 1970,
c. 493, s. 19,
re-enacted

(4) Section 19 of *The Weed Control Act* is repealed and the following substituted therefor:

Seed-cleaning
plant licence
required

19. No person shall operate a seed-cleaning plant without a licence therefor from the Director.

Licence,
issue

19a.—(1) The Director shall issue a licence to a person who makes application therefor in accordance with this Act and the regulations and pays the prescribed fee unless, after a hearing, he is of opinion that,

(a) the applicant or, where the applicant is a corporation, its officers or directors, is or are not competent to operate a seed-cleaning plant;

(b) the applicant does not possess or will not have available all premises, facilities and equipment necessary to engage in the business of operating a seed-cleaning plant in accordance with this Act and the regulations;
or

(c)

- (c) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations.
- (2) Subject to section 19*b*, the Director shall renew a ^{Renewal} licence on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee.
- (3) No fee is payable for a licence or any renewal^{Fee, exemption} thereof for a seed-cleaning plant that is used only for cleaning the grain or seed of the owner of the plant.
- 19*b*.—(1) The Director may refuse to renew or may ^{Refusal to renew, suspension or cancellation} suspend or revoke a licence if, after a hearing, he is of opinion that,
- (a) the premises, facilities and equipment used in the business of operating the seed-cleaning plant pursuant to the licence do not comply with this Act and the regulations;
- (b) the licensee or, where the licensee is a corporation, any officer, director or servant thereof, has contravened or has permitted any person under his control or direction in connection with his business of operating the seed-cleaning plant to contravene any provision of this Act or the regulations or of any other Act or the regulations thereunder or of any law applying to the carrying on of the business of operating a seed-cleaning plant or any condition of the licence and such contravention warrants such refusal to renew, suspension or revocation of the licence; or
- (c) any other ground for refusal to renew, suspension or revocation specified in the regulation exists.
- (2) Notwithstanding subsection 1, the Director, by notice ^{Provisional suspension, etc.} to a licensee and without a hearing, may provisionally refuse to renew or suspend the licensee's licence where in the Director's opinion it is necessary to do so for the immediate protection of the safety or health of any person or the public and the Director so states in such notice giving his reasons therefor, and thereafter the Director shall hold a hearing to determine

determine whether renewal of the licence should be refused or whether the licence should be further suspended or revoked under this Act and the regulations.

Continuation
of licence
pending
renewal

- (3) Subject to subsection 2, where within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for a renewal of his licence and paid the prescribed fee and has observed or carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the Director on his application for renewal.

Notice of
hearing

- 19c.—(1) Notice of a hearing by the Director under section 19a or 19b shall afford to the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

Examination
of docu-
mentary
evidence

- (2) An applicant or licensee who is a party to proceedings in which the Director holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Variation
of decision
by Director

- 19d. Where the Director has refused to issue or renew or has suspended or revoked a licence pursuant to a hearing, he may, at any time of his own motion or on the application of the person who was the applicant or licensee, vary or rescind his decision but the Director shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and the regulations.

Review
Board
established

- 19e.—(1) A board to be known as the “Seed-Cleaning Licence Review Board” is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council none of whom are members of the public service in the employ of the Department of Agriculture and Food and who shall, subject to subsection 2, hold office during pleasure.

Term of
office

- (2) A member of the Board shall hold office for not more than five consecutive years.

- (3) The Lieutenant Governor in Council may appoint ^{Chairman} one of the members of the Board as chairman and another of the members as vice-chairman.
- (4) A majority of the members of the Board constitutes ^{Quorum} a quorum.
- (5) The members of the Board shall receive such ^{Remuneration} remuneration and expenses as the Lieutenant Governor in Council may determine.
- 19f.—(1) Where the Director refuses to issue or renew or ^{Appeal to Board} suspends or revokes a licence, the applicant or licensee may by written notice delivered to the Director and filed with the Board within fifteen days after receipt of the decision of the Director appeal to the Board.
- (2) The Board may extend the time for the giving of ^{Extension of time for appeal} notice by an applicant or licensee under subsection 1, either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension.
- (3) Where an applicant or licensee appeals to the ^{Powers of Board on appeal} Board under this section, the Board shall hear the appeal by way of a hearing *de novo* to determine whether the licence should be issued, renewed, suspended or revoked and may after the hearing confirm or alter the decision of the Director or direct the Director to do any act he is authorized to do under this Act and as the Board considers proper and, for such purpose, the Board may substitute its opinion for that of the Director.
- (4) Notwithstanding that an applicant or licensee has ^{Effect of decision pending disposal of appeal} appealed under this section from a decision of the Director, unless the Director otherwise directs, the decision of the Director is effective until the appeal is disposed of.
- 19g.—(1) The Director, the appellant and such other ^{Parties} persons as the Board may specify are parties to the proceedings before the Board under this Act.
- (2) ^{Members making decision not to have taken part in investigation, etc.} Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of

the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording
of evidence

- (3) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings
of fact

- (4) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. 47

Only members
at hearing
to participate
in decision

- (5) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Appeal
to court

- 19h.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Supreme Court in accordance with the rules of court.

Minister
entitled to
be heard

- (2) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Record to
be filed
in court

- (3) The chairman of the Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board, if it is not part of the Board's record, shall constitute the record in the appeal.

Powers of
court on
appeal

- (4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Board or direct the Director to do any act he is

authorized

authorized to do under this Act or may refer the matter back to the Board for reconsideration by the Board as the court considers proper, and the court may substitute its opinion for that of the Director or the Board.

- (5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of.

Effect of
decision of
Board
pending
disposal of
appeal

88.—(1) Subsections 3 and 4 of section 3 of *The Wild Rice Harvesting Act* are repealed and the following substituted therefor:

R.S.O. 1970,
c. 497, s. 3,
subs. 3, 4,
re-enacted

- (3) The Minister shall control the issue of licences and may give directions relating thereto and to the cancellation thereof and may prescribe terms and conditions of licences.
- (4) Subject to any directions given by the Minister, the Deputy Minister may issue, refuse to issue or cancel licences.
- (5) Before refusing to issue a licence or cancelling a licence, the Deputy Minister shall cause an officer in the Department to hold a hearing to which the applicant or licensee shall be a party.
- (6) An officer holding a hearing under subsection 5 shall make a report to the Deputy Minister of his findings of fact and law at the hearing.
- (7) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply with respect to a hearing under this section.
- (8) After considering the report of an officer holding a hearing under this section, the Deputy Minister may issue, refuse to issue or cancel the licence to which the hearing related and shall give his reasons for his decision to the applicant or licensee.
- (9) An applicant or licensee who has been refused a licence or whose licence has been cancelled by the Deputy Minister may appeal to the Minister from the decision of the Deputy Minister and the Minister shall consider the report of the officer holding the hearing and of the Deputy Minister and may issue, refuse to issue or cancel the licence to which the appeal relates.

Issue, etc.,
of licences

Deputy
Minister may
issue, etc.

Hearing

Report

Application
of 1971, c. 47,
ss. 6-16, 21-23

Decision
after
hearing

Appeal

R.S.O. 1970,
c. 497, s. 4,
subs. 1, cl. a,
re-enacted

(2) Clause *a* of subsection 1 of section 4 of *The Wild Rice Harvesting Act* is repealed and the following substituted therefor:

- (a) governing the issue, form, renewal or transfer of licences and prescribing fees therefor.

R.S.O. 1970,
c. 497, s. 4,
subs. 1, cl. d,
repealed

(3) Clause *d* of subsection 1 of the said section 4 is repealed.

R.S.O. 1970,
c. 500, s. 15,
re-enacted

89. Section 15 of *The Wolf and Bear Bounty Act* is repealed and the following substituted therefor:

Entitlement
to claim

15. Where a claimant for a bounty under this Act so requests, the Minister shall refer any question as to whether the claimant is entitled to the bounty or as to the amount thereof to a provincial judge having jurisdiction in the area in which the claimant resides, and the provincial judge shall hear and determine the question and his decision shall be given effect to by the Minister or the appropriate officers under this Act.

R.S.O. 1970,
c. 501, s. 15,
subss. 2-5,
re-enacted

90.—(1) Subsections 2, 3, 4 and 5 of section 15 of *The Women's Equal Employment Opportunity Act* are repealed and the following substituted therefor:

Copy of
complaint

- (2) A true copy of the complaint shall be annexed to the notice of the hearing that is given to any party except the Director.

Members at
hearing not
to have taken
part in
investigation,
etc.

- (3) A member of the board hearing a complaint shall not have taken part in any investigation or consideration of the complaint prior to the hearing and shall not communicate directly or indirectly in relation to the complaint with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording of
evidence

- (4) The oral evidence taken before a board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings
of fact

- (5) The findings of fact of the board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under

sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.^{1971, c. 47}

- (6) Subject to appeal under section 24, the board has exclusive jurisdiction and authority to determine any question of fact or law or both required to be decided in reaching a decision as to whether or not any person has contravened this Act or for the making of any order pursuant to such decision. ^{Jurisdiction of board}

(2) Sections 16, 17, 18, 19, 20 and 21 of *The Women's Equal Employment Opportunity Act* are repealed. ^{R.S.O. 1970, c. 501, ss. 16-21, repealed}

(3) Section 23 of *The Women's Equal Employment Opportunity Act* is repealed. ^{R.S.O. 1970, c. 501, s. 23, repealed}

(4) Section 24 of *The Women's Equal Employment Opportunity Act* is repealed and the following substituted therefor: ^{R.S.O. 1970, c. 501, ss. 24, re-enacted}

24.—(1) Any party to the hearing before a board may appeal from the decision or order of the board to the Supreme Court in accordance with the rules of court. ^{Appeal from order of board}

(2) Where notice of an appeal is served under this section, the board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision or order appealed from was made which, together with a transcript of the oral evidence taken before the board, if it is not part of the record of the board, shall constitute the record in the appeal. ^{Records to be filed in court}

(3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section. ^{Minister entitled to be heard}

(4) An appeal under this section may be made on questions of law or fact or both and the court may affirm or reverse the decision or order of the board or direct the board to make any decision or order that the board is authorized to make under this Act and the court may substitute its opinion for that of the board. ^{Powers of court}

(5) Sections 25 and 29 of *The Women's Equal Employment Opportunity Act* are repealed. ^{R.S.O. 1970, c. 501, ss. 25, 29, repealed}

91. Sections 7, 8 and 9 of *The Woodmen's Employment Act* are repealed and the following substituted therefor: ^{R.S.O. 1970, c. 503, s. 7, re-enacted; ss. 8, 9, repealed}

Powers of
inspector in
investiga-
tions

7. The inspector for the purpose of making an investigation under this Act may,

- (a) upon production of his appointment as an inspector, enter at any reasonable time upon any land and premises upon which Crown timber is being cut and removed or which are used in connection with the cutting or removal of Crown timber and examine the interior of any room, tent, cabin, house or other place of accommodation provided for the living or working places of employees and of any kitchen, dining room, storeroom or other place used for the preparation, serving or storing of food provided to employees; and
- (b) for purposes relevant to the subject-matter of the investigation, make inquiries from any person and require the production of and examine documents, books and papers, including payrolls, price lists, diet sheets and shanty books, and for those purposes the inspector has the powers of a Commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiries as if it were an inquiry under that Act.

1971, c. 49

Appeals to
Supreme
Court
R.S.O. 1970,
c. 228

92. Where an appeal is provided in this Act to the Supreme Court, the appeal, until subsections 1 and 2 of section 17 of *The Judicature Act* comes into force, shall be to the Court of Appeal.

Commence-
ment

93. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

94. This Act may be cited as *The Civil Rights Statute Law Amendment Act, 1971*.

CHAPTER 51

**The Compensation for
Victims of Crime Act, 1971**

*Assented to July 23rd, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) “Board” means the Criminal Injuries Compensation Board established under this Act;
- (b) “child” includes an illegitimate child and a child to whom a victim stands *in loco parentis*;
- (c) “dependant” means a spouse, child or other relative of a deceased victim who was, in whole or in part, dependent upon the victim for support at the time of his death and includes a child of the victim born after his death;
- (d) “injury” means actual bodily harm and includes pregnancy and mental or nervous shock and “injured” has a corresponding meaning;
- (e) “Minister” means the Minister of Justice and Attorney General;
- (f) “peace officer” means a peace officer as defined in the *Criminal Code* (Canada); ^{1953-54, c. 51 (Can.)}
- (g) “victim” means a person injured or killed in the circumstances set out in section 5.

(2) The Board may direct that persons were spouses of each other for the purposes of this Act where the Board finds that, ^{Unmarried spouse}

(a)

(a) although not married, they cohabited as man and wife and were known as such in the community where they lived; and

(b) the relationship was of some permanence,

and the Board may direct that any person to whom a victim or applicant was married and who was living apart from the victim or applicant under circumstances that would have disentitled such person to alimony was not a spouse of the victim or applicant for the purposes of this Act.

Administra-
tion of Act

2. The Minister is responsible for the administration of this Act.

The Criminal
Injuries
Compensa-
tion Board
1967, c. 45

3.—(1) The Law Enforcement Compensation Board, established under *The Law Enforcement Compensation Act, 1967*, is continued and shall be known as the Criminal Injuries Compensation Board and shall be composed of not fewer than five and not more than seven members who shall be appointed by the Lieutenant Governor in Council, and the Lieutenant Governor in Council shall appoint one of such members as chairman and one or more of them as vice-chairmen.

Board a
corporation
R.S.O. 1970,
c. 89

(2) The Board is a corporation to which *The Corporations Act* does not apply.

Duties of
chairman

(3) The chairman shall have general supervision and direction over the conduct of the affairs of the Board, and shall arrange the sittings of the Board and assign members to conduct hearings as circumstances require.

Substitute
chairman

(4) The chairman may designate a vice-chairman who shall exercise the powers and perform the duties of the chairman when the chairman is absent or unable to act.

Publishing
reports

4. The Board shall prepare and periodically publish a summary of its decisions and the reasons therefor.

Injuries
compensable

5. Where any person is injured or killed by any act or omission in Ontario of any other person occurring in or resulting from,

1953-54,
c. 51 (Can.)

(a) the commission of a crime of violence constituting an offence against the *Criminal Code* (Canada), including poisoning, arson, criminal negligence and an offence under section 86 of that Act but not including an offence involving the use or operation of a motor vehicle other than assault by means of a motor vehicle;

(b)

- (b) lawfully arresting or attempting to arrest an offender or suspected offender for an offence against a person other than the applicant or his dependant or against such person's property, or assisting a peace officer in executing his law enforcement duties; or
- (c) preventing or attempting to prevent the commission of an offence or suspected offence against a person other than the applicant or his dependant or against such person's property,

the Board, on application therefor, may make an order that it, in its discretion exercised in accordance with this Act, considers proper for the payment of compensation to,

- (d) the victim;
- (e) a person who is responsible for the maintenance of the victim;
- (f) where the death of the victim has resulted, the victim's dependants or any of them or the person who was responsible for the maintenance of the victim immediately before his death or who has, on behalf of the victim or his estate and not being required by law to do so, incurred an expense referred to in clause *a* or *e* of subsection 1 of section 7 arising from the act or omission.

6. An application for compensation shall be made within one year after the date of the injury or death but the Board, before or after the expiry of the one-year period, may extend the time for such further period as it considers warranted.

7.—(1) Compensation may be awarded for,

**Limitation
period for
application**

**Compensa-
tion**

- (a) expenses actually and reasonably incurred or to be incurred as a result of the victim's injury or death;
- (b) pecuniary loss incurred by the victim as a result of total or partial disability affecting the victim's capacity for work;
- (c) pecuniary loss incurred by dependants as a result of the victim's death;
- (d) pain and suffering;
- (e) maintenance of a child born as a result of rape;

(f)

- (f) other pecuniary loss resulting from the victim's injury and any expense that, in the opinion of the Board, it is reasonable to incur.

Idem

(2) Where the injury to a person occurred in the circumstances mentioned in clause *b* or *c* of section 5, the Board may, in addition to the compensation referred to in subsection 1, award compensation to the injured person for any other damage resulting from the injury for which damages may be recovered at common law.

Referral
for hearing

8. Where an application is made under section 5, the chairman of the Board shall refer the application,

- (a) to the Board for a hearing conducted by at least two members of the Board; or

- (b) to one member of the Board for a hearing by him,

as the chairman may direct.

Notice of
hearing by
one member
of Board

9.—(1) The Board or member to whom an application is referred under section 8 shall fix a time and place for the hearing of the application and shall at least ten days before the day fixed cause notice thereof to be served upon the applicant, upon the Minister, upon the offender where practicable and upon any other person appearing to the Board or member to have an interest in the application.

Parties

(2) Every person upon whom notice of a hearing is served and any other person added by the Board or member is a party to the proceedings.

Jurisdiction
of member

(3) The Board or member shall hold the hearing and make an order under section 5, and, subject to section 10, this Act applies in respect of the hearing and jurisdiction of the member in the same manner as to the Board.

Hearing
and
review by
Board

10.—(1) Where an application is heard by a single member of the Board under section 9, the applicant or the Minister may, within fifteen days after service of the decision of the member, require a hearing and review by the Board and the Board shall fix a time and place for the hearing and shall at least ten days before the day fixed cause notice thereof to be served upon the parties to the proceedings.

Adding
parties

(2) The Board may add persons as parties to the proceedings during a review under this section.

(3) The hearing shall be conducted and the jurisdiction of ^{Quorum} the Board shall be exercised by at least two members of the Board and the member whose decision is being reviewed shall not sit on the review.

(4) After a hearing and review by the Board under this ^{Order of Board} section, the Board shall make its order in accordance with this Act and its order supersedes the order of a single member made under section 9 that is the subject of the hearing and review.

11. If a person is convicted of a criminal offence in ^{Conviction as conclusive evidence} respect of an act or omission on which a claim under this Act is based, proof of the conviction shall, after the time for an appeal has expired or, if an appeal was taken, it was dismissed and no further appeal is available, be taken as conclusive evidence that the offence has been committed.

12. All hearings shall be held in public except where, in ^{Hearings to be open to public; exceptions} the opinion of the Board, it is necessary to hold the hearing *in camera* for the reason that a public hearing,

- (a) would be prejudicial to the trial of the person whose act or omission caused the injury or death; or
- (b) would not be in the interests of the victim, or of the dependants of the victim, of an alleged sexual offence.

13.—(1) The Board may make an order prohibiting the ^{Publication of evidence} publication of any report or account of the whole or any part of the evidence at a hearing where the Board considers it necessary but in making an order under this subsection the Board shall have regard to the desirability of permitting the public to be informed of the principles and nature of each case.

(2) Any person who publishes a report or account of any ^{Offence} evidence at a hearing contrary to an order of the Board under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

(3) Where a corporation is convicted of an offence under ^{Corporations} subsection 2, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

14. Where,

^{Interim compensation}

- (a) the applicant is in actual financial need; and

(b)

(b) it appears to the Board that it will probably award compensation to the applicant,

the Board may, in its discretion, order interim payments to the applicant in respect of maintenance and medical expenses and, if compensation is not awarded, the amount so paid is not recoverable from the applicant.

Service

15.—(1) Any notice or document required to be served under this Act or the regulations is sufficiently served if delivered personally or sent by registered mail addressed to the person upon whom service is required to be made at the latest address for service appearing on the records of the Board.

Idem

(2) Where any notice or document mentioned in subsection 1 is served by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the person to be served did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or document until a later date.

Exception

(3) Notwithstanding subsections 1 and 2, the Board may order any other method of service of any notice or document mentioned in subsection 1.

Compensation not dependent on a conviction

16.—(1) An order for compensation may be made whether or not any person is prosecuted for or convicted of the offence giving rise to the injury or death but the Board may, on its own initiative or upon the application of the Minister, adjourn its proceedings pending the final determination of a prosecution or intended prosecution.

Capacity for mens rea

(2) Notwithstanding that a person for any reason is legally incapable of forming criminal intent, he shall, for the purposes of this Act, be deemed to have intended an act or omission that caused injury or death for which compensation is payable under this Act.

Considerations of Board

17.—(1) In determining whether to make an order for compensation and the amount thereof, the Board shall have regard to all relevant circumstances, including any behaviour of the victim that may have directly or indirectly contributed to his injury or death.

Idem

(2) In assessing pecuniary loss, the Board shall take into consideration any benefit, compensation or indemnity payable to the applicant from any source.

18. The Board may order compensation to be paid in a lump sum or in periodic payments, or both, as the Board thinks fit. Form of compensation

19.—(1) The amount awarded by the Board to be paid in respect of the injury or death of one victim shall not exceed, Maximum awards

(a) in the case of lump sum payments, \$15,000; and

(b) in the case of periodic payments, \$500 per month,

and where both lump sum and periodic payments are awarded, the lump sum shall not exceed half of the maximum therefor prescribed in clause *a*.

(2) The total amount awarded by the Board to be paid to all applicants in respect of any one occurrence shall not exceed, Maximum total of payments for occurrence

(a) in the case of lump sum payments, a total of \$100,000; and

(b) in the case of periodic payments, a total of \$175,000.

(3) Where the total amount awarded in respect of any one occurrence exceeds the maximum amount prescribed by subsection 2, the amount prescribed shall be distributed *pro rata* in proportion to the amounts of the awards that would otherwise have been made. Pro rata distribution

(4) For the purposes of this section, the Board may deem more than one act to be one occurrence where the acts have a common relationship in time and place. Acts deemed an occurrence

(5) Subsection 1 does not apply to amounts awarded in respect of an injury or death incurred under clause *b* or *c* of section 5 and such amounts shall not be taken into account for the purposes of subsection 2. Application of subs. 1 and 2

20.—(1) An order for the payment of compensation may be made subject to such terms and conditions as the Board thinks fit, Conditions of payment

(a) with respect to the payment, disposition, allotment or apportionment of the compensation; or

(b) as to the holding of the compensation or any part thereof in trust for the victim or the dependants, or any of them, whether as a fund for a class or otherwise.

- Idem** (2) Any compensation payable for expenses under section 7 may, in the discretion of the Board, be paid directly to the person entitled thereto.
- Costs** **21.** Notwithstanding section 19, the Board may, with respect to any hearing or other proceeding under this Act, make such order as to costs as it thinks fit.
- Appeal** **22.** Subject to section 24, a decision of the Board is final except that an appeal lies to the Supreme Court from any decision of the Board on any question of law.
- Release of exhibits** **23.** The Board shall, upon request, release documents and things put in evidence at a hearing to the lawful owner or the person entitled to possession thereof within a reasonable time after the matter in issue has been finally determined.
- Variation of award** **24.—**(1) The Board may at any time on its own initiative or on the application of the victim, any dependant of the victim, the Minister or the offender, vary an order for payment of compensation in such manner as the Board thinks fit, whether as to terms of the order or by increasing or decreasing the amount ordered to be paid, or otherwise.
- Idem** (2) In proceedings under subsection 1, the Board shall consider,
- (a) any new evidence that has become available;
 - (b) any change of circumstances that has occurred since the making of the order or any variation thereof, as the case may be, or that is likely to occur; and
 - (c) any other matter the Board considers relevant.
- Procedure, etc., on review** (3) This Act, except section 6, applies to a review under subsection 1 in the same manner as to an application for compensation.
- Civil proceedings** **25.—**(1) Subject to subsections 2, 3 and 4, nothing in this Act affects the right of any person to recover from any other person by civil proceedings damages in respect of the injury or death.
- Subrogation** (2) The Board is subrogated to all the rights of the person to whom payment is made under this Act to recover damages by civil proceedings in respect of the injury or death and may maintain an action in the name of such person against any person against whom such action lies, and any amount recovered by the Board shall be applied,
- (a)

- (a) first, to payment of the costs actually incurred in the action and in levying execution; and
- (b) second, to reimbursement of the Board for the value of the compensation awarded,

and the balance, if any, shall be paid to the person whose rights were subrogated.

(3) Any settlement or release does not bar the rights of the Board under subsection 2 unless the Board has concurred therein. Settlement

(4) An applicant for or a person awarded compensation shall forthwith notify the Board of any action he has brought against the offender who caused the injury or death of the victim. Civil actions

26.—(1) Compensation ordered to be paid shall be paid out of the moneys appropriated therefor by the Legislature. Payment of compensation

(2) Any reimbursement to the Board under section 25 shall be paid into the Consolidated Revenue Fund. Disposition of money recovered

27. The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing rules of practice and procedure in respect of applications to the Board and proceedings of the Board;
- (b) requiring the payment of fees in respect of any matter in the jurisdiction of the Board, including witness fees, and prescribing the amounts thereof;
- (c) prescribing forms for the purposes of this Act and providing for their use;
- (d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

28. The Crown in right of Ontario represented by the Minister, with the approval of the Lieutenant Governor in Council, may make agreements with the Crown in right of Canada respecting the payment by Canada to Ontario of such part of the expenditures required for the purposes of this Act as is agreed upon. Agreements with Canada

29.—(1) This Act applies in respect of claims for compensation arising from an act or omission that occurs after this Act comes into force. Application of Act

Application
of 1967, c. 45,
R.S.O. 1970,
c. 237

(2) Notwithstanding section 30, *The Law Enforcement Compensation Act, 1967* or *The Law Enforcement Compensation Act* continues to apply in respect of claims for compensation arising from an act or omission that occurred during the period in which that Act was in force and for that purpose the Criminal Injuries Compensation Board as constituted under this Act shall exercise the powers and perform the duties of the Law Enforcement Compensation Board as constituted under that Act, and the hearings and procedures shall, so far as practicable, be conducted in accordance with this Act.

R.S.O. 1970,
c. 237,
repealed

30. *The Law Enforcement Compensation Act* is repealed.

Commence-
ment

31. This Act comes into force on the 1st day of September, 1971.

Short title

32. This Act may be cited as *The Compensation for Victims of Crime Act, 1971*.

CHAPTER 52

**An Act to provide for the Conservation,
Protection and Propagation of Species
of Fauna and Flora that are threatened
with Extinction**

*Assented to July 23rd, 1971
Legislature Dissolved September 13th, 1971*

WHEREAS it is considered expedient to provide for the Preamble
conservation, protection, restoration and propagation
of species of fauna and flora of the Province of Ontario
that are threatened with extinction;

Therefore, Her Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "Minister" means the Minister of Lands and Forests;

(b) "officer" means a Conservation Officer or a Deputy
Conservation Officer appointed under *The Game and* R.S.O. 1970,
c. 186
Fish Act and includes a member of the Royal
Canadian Mounted Police Force or the Ontario
Provincial Police Force.

2. The administration of this Act is under the control Administra-
tion of Act
and direction of the Minister.

3.—(1) The Lieutenant Governor in Council may make Regulations
regulations declaring any species of fauna or flora to be
threatened with extinction by reason of,

(a) the destruction of its habitat or a drastic modification
or severe curtailment thereof;

(b) over-exploitation;

(c) disease;

(d) predacity;

(e)

(e) the use of chemicals; or

(f) any other factor or factors considered relevant.

Regulations
may be
limited

(2) Any regulation may be limited territorially or as to time or otherwise.

Powers and
duties of an
officer
R.S.O. 1970,
c. 186

4. For the purposes of this Act an officer has the powers and duties of an officer under *The Game and Fish Act*.

Prohibited
acts

5. No person shall wilfully,

(a) kill, injure, interfere with or take or attempt to kill, injure, interfere with or take any species of fauna or flora; or

(b) destroy or interfere with or attempt to destroy or interfere with the habitat of any species of fauna or flora,

declared in the regulations to be threatened with extinction.

Offence

6. Any person who contravenes this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$3000, or to imprisonment for a term of not more than six months, or to both.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Endangered Species Act, 1971*.

CHAPTER 53

An Act to amend The Surveys Act

*Assented to July 23rd, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 10 of subsection 2 of section 31 of *The Surveys Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 453, s. 31, subs. 2, par. 10, re-enacted

10. If a concession line is obliterated beyond the last side line of a section in a concession broken by a lake or river at its end, he shall re-establish it on the astronomic course shown on the original plan and field notes from the nearest ascertainable point on the concession line in that section.

(2) Paragraph 11 of subsection 2 of the said section 31 is repealed and the following substituted therefor: R.S.O. 1970, c. 453, s. 31, subs. 2, par. 11, re-enacted

11. If in a concession wholly or partly broken by a lake or river on its front a side line of a section is obliterated and it was not surveyed across the lake or river, he shall re-establish it on the astronomic course shown on the original plan and field notes from the nearest ascertainable point thereof.

2.—(1) Paragraph 1 of section 34 of *The Surveys Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 453, s. 34, par. 1, re-enacted

1. Where any such township, other than the townships of Eastnor, Lindsay and St. Edmunds in the County of Bruce, was surveyed under the 1,000-acre or 1,800-acre sectional system and in the townships of Cumming, Idington, O'Brien, Owens and Williamson in the Territorial District of Cochrane, and if intended in the original survey, he shall establish the side line on the astronomic course shown on the original plan and field notes for the side line of the section in which the lot is located that is nearest the end of the

section

section from which the lots are numbered, or, if intended in the original survey, he shall establish the side line on the astronomic course shown on the original plan and field notes for the side at the other end of the section in which the lot is located.

R.S.O. 1970,
c. 453, s. 34,
par. 2,
re-enacted

(2) Paragraph 2 of the said section 34 is repealed and the following substituted therefor:

2. Where any such township, other than the townships of Cumming, Idington, O'Brien, Owens and Williamson in the Territorial District of Cochrane, was surveyed under any sectional system other than the 1,000-acre or 1,800-acre system and in the townships of Eastnor, Lindsay and St. Edmunds in the County of Bruce and if intended in the original survey, he shall establish the side line on the astronomic course of the side line of the section in which the lot is located that is nearest the end of the section from which the lots are numbered, or, if intended in the original survey, he shall establish the side line on the astronomic course of the side line of the section in which the lot is located at the other end of the section in which the lot is located, but where the side line of the section from which the lots are numbered is broken by a lake or river to such an extent that the course thereof cannot be accurately determined, he shall establish the side line on the astronomic course of the side line of the section at the other end of the section, and where both side lines of the section are broken by a lake or river to such an extent that the course thereof cannot be accurately determined, he shall establish the side line on the astronomic course shown on the original plan and field notes.

R.S.O. 1970,
c. 453, s. 57,
amended

3.—(1) Section 57 of *The Surveys Act* is amended by adding thereto the following subsection:

Less than
whole width

- (4a) Where a part of a road allowance, highway, street, lane or walk so closed does not include the whole width thereof, the whole width of such closed part belongs to the owners whose lands abut thereon.

R.S.O. 1970,
c. 453, s. 57,
subs. 5,
re-enacted

(2) Subsection 5 of the said section 57 is repealed and the following substituted therefor:

Side lines

- (5) The division line between two parcels of land having different owners produced to the middle line of the road allowance, highway, street, lane or walk so closed

closed or across the same in cases coming within subsection 4 or 4a is the division line between the parts so closed to which the owners of the parcels are respectively entitled.

4. Section 62 of *The Surveys Act* is amended by adding thereto the following subsection: R.S.O. 1970,
c. 453, s. 62,
amended

(2) Any regulation may be limited territorially or as to time or otherwise. Regulation
may be
limited

5. This Act comes into force on the day it receives Royal Assent. Commence-
ment

6. This Act may be cited as *The Surveys Amendment Act*, Short title
1971.

CHAPTER 54

An Act to amend The Audit Act

Assented to July 23rd, 1971
Legislature Dissolved September 13th, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 13 of *The Audit Act* is repealed. R.S.O. 1970,
c. 36, s. 13,
repealed
2. Section 15 of *The Audit Act* is repealed and the following substituted therefor: R.S.O. 1970,
c. 36, s. 15,
re-enacted
 15. For the purpose of this Act, "fiscal year" means the Fiscal year
period from the 1st day of April in one year to the
31st day of March in the next year.
3. Section 16 of *The Audit Act* is repealed and the following substituted therefor: R.S.O. 1970,
c. 36, s. 16,
re-enacted
 16. The Public Accounts for the period from the 1st day Preparation
of Public
Accounts
1970-71
of April, 1970, to the 31st day of March, 1971, shall be
prepared under the direction of the Auditor and shall
be delivered to the Lieutenant Governor in Council
and laid before the Assembly not later than the tenth
day of the first session held in the following
calendar year.
4. Subsection 1 of section 19 of *The Audit Act* is repealed R.S.O. 1970,
c. 36, s. 19,
subs. 1,
re-enacted
and the following substituted therefor:
 - (1) The Auditor shall, on behalf of the Assembly, Examination
of receipts
and disburse-
ments
examine in such manner as he considers necessary
all accounts of receipts and disbursements of public
moneys forming part of the Consolidated Revenue
Fund whether held in trust or otherwise in order to
ascertain that adequate regulations and procedures
are in operation,
 - (a) to secure an effective check on the assessment,
collection and allocation of revenue; and
 - (b)

- (b) to ensure that expenditures have been made in accordance with legislative authority.

R.S.O. 1970,
c. 36, s. 20,
subs. 1,
cls. b, c,
re-enacted

5.—(1) Clauses *b* and *c* of subsection 1 of section 20 of *The Audit Act* are repealed and the following substituted therefor:

(b) as to his examination of the statements of assets and liabilities, the Consolidated Revenue Fund, the net general revenue and expenditures and related statements in which he shall express an opinion as to whether the statements present fairly the financial position of the Province and the results of its operations and whether the statements were prepared in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding period;

(c) as to all special warrants issued and the amounts expended thereunder;

(ca) as to all cheques for the issue of which he has refused to certify, citing the date and the amount of any expenditures incurred in consequence thereof.

R.S.O. 1970,
c. 36, s. 20,
subs. 2,
re-enacted

(2) Subsection 2 of the said section 20 is repealed and the following substituted therefor:

Tabling
report

(2) The report of the Auditor shall be delivered to the Lieutenant Governor in Council and laid before the Assembly not later than the tenth day of the first session held in the following calendar year.

R.S.O. 1970,
c. 36,
amended

6. *The Audit Act* is amended by adding thereto the following sections:

Authority
for
elimination
of pre-audit
function

R.S.O. 1970,
c. 166

Examination
of Auditor's
accounts

24. Sections 9, 11, 12, 14, 17 and clause *ca* of subsection 1 of section 20 do not apply to departments designated by the Lieutenant Governor in Council under section 12 of *The Financial Administration Act*.

25. An officer, appointed by the Lieutenant Governor in Council, shall examine the accounts relating to the disbursements of public moneys on behalf of the Auditor and his staff and such officer shall report thereon to the Lieutenant Governor in Council.

Commence-
ment

7. This Act comes into force on the 31st day of August, 1971.

Short title

8. This Act may be cited as *The Audit Amendment Act, 1971*.

CHAPTER 55

**An Act to amend
The Financial Administration Act**

*Assented to July 23rd, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 9 of *The Financial Administration Act* is amended by inserting after "Treasurer" in the second line "of Ontario", so that the subsection shall read as follows:

R.S.O. 1970,
c. 166, s. 9,
subs. 1,
amended

(1) The Lieutenant Governor in Council shall appoint a Deputy Treasurer of Ontario and Deputy Minister of Economics to be the deputy head of the Department of Treasury and Economics.

Deputy
Treasurer of
Ontario
and Deputy
Minister of
Economics

2. *The Financial Administration Act* is amended by adding thereto the following sections:

R.S.O. 1970,
c. 166,
amended

9a. The responsibility for the conduct of the financial business of each department shall rest with the head of the department, and the accounts, before being recommended to the Treasurer for payment, shall be checked and examined in detail and certified as correct in every respect and allowed and passed by the proper departmental officers.

Responsi-
bility with
head of
department

9b. The Treasurer may make such recommendations to the Treasury Board as he considers appropriate with respect to accounting controls and accounting standards to be attained by a department prior to the application of section 9c and to be maintained by a department.

Treasurer
may
recommend
standards

9c. The Lieutenant Governor in Council, on the recommendation of the Treasurer and with the concurrence of the Treasury Board, may designate the depart-

Application
of *Audit Act*

ments

R.S.O. 1970,
c. 36

ments to which sections 9, 9b, 9c, 9e, 10 and clause *ca* of subsection 1 of section 20 of *The Audit Act* shall not apply.

Payment
for special
cases

9d.—(1) The certificate or order of the Minister of Justice and Attorney General or Deputy Minister of Justice and Deputy Attorney General that a sum of money is required to be paid out of the Consolidated Revenue Fund on account of the investigation, detection or punishment of any offence against the laws of Ontario or of Canada, or on account of special services or disbursements in connection with inquests, or any purpose connected with the administration of justice in either civil or criminal matters, is sufficient authority for the issuing of a cheque by the Treasurer for the amount named in the certificate or order, and the officer or other person to whom the cheque is issued shall account to the Minister of Justice and Attorney General for the proper disbursement of the amount received by such officer or other person.

Certificate
of Minister
or Deputy
Minister

(2) The certificate of the Minister of Justice and Attorney General or Deputy Minister of Justice and Deputy Attorney General that any moneys received by any officer or other person under this section have been duly accounted for is final and conclusive and the account shall not be subject to any further examination.

Issue of
cheques
may be
withheld

9e.—(1) The Treasurer may withhold the issue of a cheque for the payment of public money if he has reason to believe that there is no authority for the payment.

Reference
to Treasury
Board

(2) When the issue of a cheque has been withheld under subsection 1, the Treasurer or the Minister responsible may refer the matter to the Treasury Board for determination.

Information
and access
to records

9f. Every department of the public service shall furnish the Treasurer with such information regarding its powers, duties, activities, organization, financial transactions and methods of business as he from time to time requires, and the Treasurer shall have access to all books, accounts, financial records, reports, files and other papers, things or property belonging to or in use by the department and shall be afforded every facility for verifying transactions with the balances or securities held by depositaries, fiscal agents or custodians.

9g.—(1) The Public Accounts shall cover the fiscal year. Fiscal year

(2) All estimates submitted to the Legislature shall be Estimates for services coming in course of payment during the fiscal year.

(3) All balances of appropriations that remain unexpended at the end of a fiscal year shall lapse, except that during the period of thirty days next following the end of such fiscal year there may be paid out of any appropriation an amount not exceeding the unexpended balance of the appropriation for the purpose of discharging any debt that was incurred during such fiscal year, and the expenditure may be charged in the accounts of such fiscal year, but any debts that remain unpaid at the end of the period of thirty days next following the end of such fiscal year shall be paid out of the appropriation for the ensuing fiscal year. Lapse of appropriations

9h. The Public Accounts for the 1971-72 fiscal year and subsequent years shall be prepared under the Preparation of Public Accounts direction of the Treasurer and shall be delivered to the Lieutenant Governor in Council and laid before the Assembly not later than the tenth day of the first session held in the following calendar year.

9i. Notwithstanding anything in this Act, whenever the Assembly has concurred in the report of the Committee of Supply recommending the passing of any estimates, the Lieutenant Governor in Council may authorize the payment of any items of expenditure so concurred in. Payments authorized by Assembly

3. Section 26 of *The Financial Administration Act* is R.S.O. 1970, c. 166, s. 26, re-enacted repealed and the following substituted therefor:

26. On the application of a minister, the Treasurer may make interim payments from the Consolidated Revenue Fund for goods or services charged to a department where the charges are to be recovered from another department or departments or from another appropriation or from a federal appropriation. Interim payments from Con. Rev. Fund

4. Paragraph 2 of section 31 of *The Financial Administration Act* is R.S.O. 1970, c. 166, s. 31, par. 2, repealed repealed.

5. Section 34 of *The Financial Administration Act* is R.S.O. 1970, c. 166, s. 34, re-enacted repealed and the following substituted therefor:

Contracts
and
agreements
for the
raising of
loans

34.—(1) The Lieutenant Governor in Council may authorize the Treasurer or any officer of the Department of Treasury and Economics to enter into such contracts and agreements relating to the raising of loans or the issue and sale of securities as the Lieutenant Governor in Council approves.

Authority
to sell
treasury
bills

(2) Notwithstanding any other provisions of this Act, where the Lieutenant Governor in Council authorizes the raising of a loan by the issue and sale of interest bearing treasury bills or non-interest bearing treasury bills, the Lieutenant Governor in Council may authorize the Treasurer to determine the date of the issue and the date of maturity thereof, the rate of interest, if any, and the dates of payment of interest, if any, and to sell any of such treasury bills for such price or prices and upon such terms and conditions as the Treasurer in his discretion may from time to time consider necessary.

R.S.O. 1970,
c. 166, s. 36,
amended

6. Section 36 of *The Financial Administration Act* is amended by adding thereto the following subsection:

Calculation
for borrowing
limitation

(2) For the purpose of any borrowing limitation under this or any other Act, the principal amount of any securities previously issued or authorized to be issued, payable in a currency of any country other than Canada, shall be deemed to be the equivalent thereof in Canadian dollars as calculated under subsection 1.

R.S.O. 1970,
c. 166, s. 47,
re-enacted

7. Section 47 of *The Financial Administration Act* is repealed and the following substituted therefor:

Securities
to state
authority

47. Every security issued pursuant to this Act shall contain in the body of the security a statement to that effect.

Commence-
ment

8.—(1) Sections 4, 5, 6 and 7 come into force on the 30th day of July, 1971.

Idem

(2) Sections 1, 2 and 3 come into force on the 31st day of August, 1971.

Short title

9. This Act may be cited as *The Financial Administration Amendment Act, 1971*.

CHAPTER 56

The University of Toronto Act, 1971

*Assented to July 23rd, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1.—(1) In this Act,Interpre-
tation

- (a) “administrative staff” means the employees of the University, University College, the constituent colleges and the federated universities who are not members of the teaching staff thereof;
- (b) “alumni” means the persons who have received degrees, diplomas or certificates from the University, a federated university or a federated or affiliated college, and the persons who have completed one year of full-time studies towards such a degree, diploma or certificate and are no longer registered;
- (c) “Chancellor” means the Chancellor of the University;
- (d) “college” means a school or other institution of learning;
- (e) “constituent college” means a college established by the Governing Council or any predecessor thereof;
- (f) “council” means the governing body of a college or faculty;
- (g) “Executive Committee” means the Executive Committee of the Governing Council;
- (h) “Governing Council” means The Governing Council of the University of Toronto;

(i)

- (i) "President" means the President of the University;
- (j) "property" means property of any kind, real or personal;
- (k) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;
- (l) "student" means any person registered at the University for full-time or part-time study in a program that leads to a degree, diploma or certificate of the University or in a program designated by the Governing Council as a program of study at the University;
- (m) "teaching staff" means the employees of the University, University College, the constituent colleges and the federated universities who hold the academic rank of professor, associate professor, assistant professor, full-time lecturer or part-time lecturer unless such part-time lecturer is registered as a student;
- (n) "University" means the University of Toronto. 1959, c. 103, s. 1, *amended*.

R.S.O. 1970,
c. 89, ss. 85, 347,
not to apply

(2) Sections 85 and 347 of *The Corporations Act* do not apply to the Governing Council.

Conflict

(3) In the event of conflict between any provision of this Act and any provision of *The Corporations Act*, the provision of this Act prevails. *New*.

GOVERNING COUNCIL

Corporation
continued
under new
name

2.—(1) The Governors of the University of Toronto are continued as a corporation under the name "The Governing Council of the University of Toronto".

Composition
of Council

(2) The Governing Council shall be composed of,

- (a) the Chancellor and the President, who shall be *ex officio* members;
- (b) two members appointed by the President from among the officers of the University, its federated universities, federated colleges and affiliated colleges;

(c)

- (c) sixteen members, none of whom shall be students, members of the administrative staff or members of the teaching staff, appointed by the Lieutenant Governor in Council;
- (d) twelve members elected by the teaching staff from among the teaching staff;
- (e) eight members, four of whom shall be elected by and from among the full-time undergraduate students, two of whom shall be elected by and from among the graduate students, and two of whom shall be elected by and from among the part-time undergraduate students;
- (f) two members elected by the administrative staff from among the administrative staff; and
- (g) eight members who are not students or members of the teaching staff or the administrative staff elected by the alumni from among the alumni.

(3) Members of the Governing Council shall act with diligence, honestly and with good faith in the best interests of the University and University College. ^{Duty of members of Council}

(4) No person shall serve as a member of the Governing Council unless he is a Canadian citizen. ^{Canadian citizenship}

(5) Every student is eligible for election to the Governing Council whether or not he has attained the age of eighteen years. ^{Student members}

(6) Except in the case of a person appointed or elected to fill a vacancy, ^{Terms of office}

- (a) the persons appointed by the President shall be appointed for a one-year term;
- (b) on the first appointment of persons by the Lieutenant Governor in Council,
 - (i) five persons shall be appointed for a one-year term,
 - (ii) five persons shall be appointed for a two-year term, and
 - (iii) six persons shall be appointed for a three-year term,

and

and in each year thereafter the five or six persons, as the case may be, to be appointed shall be appointed for a three-year term;

(c) on the first election of members by the teaching staff,

(i) four persons shall be elected for a one-year term,

(ii) four persons shall be elected for a two-year term, and

(iii) four persons shall be elected for a three-year term,

and in each year thereafter the four persons to be elected shall be elected for a three-year term;

(d) the persons elected by the students shall be elected for a one-year term;

(e) on the first election of persons by the administrative staff, one person shall be elected for a one-year term and one person shall be elected for a two-year term, and in each year thereafter in which there is an election of a person by the administrative staff, such person shall be elected for a three-year term; and

(f) on the first election of persons by the alumni,

(i) two persons shall be elected for a one-year term,

(ii) three persons shall be elected for a two-year term, and

(iii) three persons shall be elected for a three-year term,

and in each year thereafter the two or three persons, as the case may be, to be elected shall be elected for a three-year term.

Idem

(7) Subject to subsection 8, every member of the Governing Council holds office until his successor is appointed or elected, as the case may be.

When
members
cease to
be eligible

(8) A member of the Governing Council appointed by the President or elected ceases to hold office if he ceases to be eligible under the clause under which he was appointed or elected.

(9) Any member appointed or elected under subsection 2 is eligible for reappointment or re-election so long as he does not serve continuously for more than nine years, but on the expiration of one year after having served continuously for nine years, he again becomes eligible for appointment or election. ^{Reappointment and re-election}

(10) Where a vacancy occurs for any reason among the members of the Governing Council and the Governing Council determines that the vacancy should be filled, the vacancy shall be filled by a person appointed or elected by the authority that appointed or elected the member whose office became vacant, and the person so appointed or elected shall hold office for the remainder of the term of the member whose office became vacant. ^{Vacancies}

(11) On the first appointment of members by the Lieutenant Governor in Council, one of the members appointed for a three-year term shall be appointed by the Lieutenant Governor in Council to be the chairman of the Governing Council during such three-year term, and upon the expiration of such term of office or a vacancy occurring therein, the Governing Council shall elect the chairman from among all the members appointed by the Lieutenant Governor in Council. ^{Chairman}

(12) On the first appointment of members by the Lieutenant Governor in Council, one of the members appointed for a three-year term shall be appointed by the Lieutenant Governor in Council to be vice-chairman of the Governing Council during such three-year term, and upon the expiration of such term of office or a vacancy occurring therein, the Governing Council shall elect the vice-chairman from among all the members appointed by the Lieutenant Governor in Council. ^{Vice-chairman}

(13) Sixteen members, at least eight of whom shall be members elected by the alumni or appointed by the Lieutenant Governor in Council, constitute a quorum of the Governing Council. ^{Quorum}

(14) The government, management and control of the University and of University College, and of the property, revenues, business and affairs thereof, and the powers and duties of The Governors of the University of Toronto and of the Senate of the University under *The University of Toronto Act, 1947* as amended are vested in the Governing Council, and, without limiting the generality of the foregoing, the Governing Council has power to, ^{Powers of Governing Council} ^{1947, c. 112}

(a) appoint the President;

(b)

- (b) appoint, promote, suspend and remove the members of the teaching and administrative staffs of the University and all such other officers and employees, including *pro tem* appointments, as the Governing Council considers necessary or advisable for the purposes of the University or University College, but no member of the teaching or administrative staffs, except the President, shall be appointed, promoted, suspended or removed except on the recommendation of the President;
- (c) fix the number, the duties and the salaries and other emoluments of officers and employees of the University and University College;
- (d) appoint committees, and, where authority is conferred upon a committee to act for the Governing Council with respect to any matter or class of matters, a majority of the members thereof, including in the computation the *ex officio* members, shall be members of the Governing Council;
- (e) establish and terminate colleges, faculties, departments and chairs;
- (f) determine and regulate the standards for the admission of students to the University, the contents and curricula of all courses of study and the requirements for graduation;
- (g) conduct examinations and appoint examiners;
- (h) deal with matters arising in connection with the award of fellowships, scholarships, medals, prizes and other awards for academic achievement;
- (i) delegate such of its powers as it considers proper with respect to clauses *f*, *g* and *h* to any college, faculty, school, institute or department that may be continued under this Act or established under clause *e*;
- (j) provide for the granting of and grant degrees, including honorary degrees, diplomas and certificates, except in theology;
- (k) determine the manner and procedure of election of its members and conduct such elections, but in the

case of election of members by the administrative staff, the teaching staff and the students, or any of them, the elections shall be by secret ballot;

- (l) acquire, hold without limitation as to the period of holding, sell, lease or otherwise deal with real property;
- (m) borrow from time to time such sums for the use of the University and of University College, and give such security against the assets of the University by way of mortgage or otherwise, as it determines;
- (n) invest all money that comes into its hands and is not required to be expended for any purpose to which it lawfully may be applied, subject always to any express limitations or restrictions on investment powers imposed by the terms of the instruments creating any trust as to the same, in such manner as it considers proper;
- (o) do all such acts and things as are necessary or expedient for the conduct of its affairs and the affairs of the University and University College.

(15) The Governing Council shall pass by-laws regulating the exercise of its powers and the calling and conduct of its meetings, and its decisions shall be made by resolutions passed at its meetings. By-laws and resolutions of Governing Council

(16) The by-laws of the Governing Council shall be open to examination by the public during normal business hours. By-laws open to examination

(17) The Governing Council shall publish its by-laws from time to time in such manner as it may consider proper. Publication of by-laws

(18) The meetings, except meetings of committee of the whole, of the Governing Council shall be open to the public, prior notice of the meetings shall be given to the members and to the public in such manner as the Governing Council by by-law shall determine, and no person shall be excluded therefrom except for improper conduct, but where intimate financial or personal matters of any person may be disclosed at a meeting the part of the meeting concerning such person shall be held *in camera* unless such person requests that such part of the meeting be open to the public. Meetings of Governing Council open to public

(19) The Governing Council shall review this Act and report thereon to the Minister of University Affairs within two years after it comes into force, whereupon the Minister shall

submit

submit the report to the Lieutenant Governor in Council and then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

EXECUTIVE COMMITTEE

Executive Committee

3.—(1) The Governing Council shall establish an Executive Committee of the Governing Council composed of,

- (a) the chairman of the Governing Council and the President, who shall be *ex officio* members; and
- (b) twelve members appointed annually by the Governing Council from among its members as follows:
 1. One nominated by and from among the members appointed by the President and the members elected by the administrative staff.
 2. Four nominated by and from among the members appointed by the Lieutenant Governor in Council.
 3. Three nominated by and from among the members elected by the members of the teaching staff.
 4. One nominated by and from among the members elected by the full-time undergraduate students.
 5. One nominated by and from among the members elected by the graduate and part-time undergraduate students.
 6. Two nominated by and from among the members elected by the alumni.

Chairman

(2) The chairman of the Governing Council is the chairman of the Executive Committee.

Vacancies

(3) In the event of a vacancy in the membership of the Executive Committee, subsection 10 of section 2 applies *mutatis mutandis*.

Function

(4) The Executive Committee may deal with any matter that is within the responsibility of the Governing Council, but no decision of the Executive Committee is effective until approved by the Governing Council or unless the Governing Council has previously assigned authority therefor to the Executive Committee. *New.*

CHANCELLOR

4.—(1) There shall be a Chancellor of the University who ^{Chancellor} shall be elected by the alumni in a manner to be determined by the Governing Council. 1955, c. 90, s. 4, *part*, *amended*.

(2) No person shall serve as Chancellor unless he is a ^{Canadian citizen} Canadian citizen. 1955, c. 90, s. 4, *part*; 1959, c. 103, s. 10 (1), *amended*.

(3) The Chancellor shall serve for a term of three years ^{Term of office} commencing on the 1st day of July of the year in which he is elected and he shall hold office until his successor is elected and is eligible for re-election for one additional term of three years. 1955, c. 90, s. 4, *part*, *amended*.

(4) The Chancellor is chairman of Convocation. 1947, ^{Chairman of Convocation} c. 112, s. 60, *amended*.

(5) Except as provided in subsection 3 of section 5, all ^{To confer degrees} degrees shall be conferred by the Chancellor. 1947, c. 112, s. 61, *amended*.

PRESIDENT

5.—(1) There shall be a President of the University ^{President} appointed by the Governing Council who shall be the chief executive officer of the University and who shall have general supervision over and direction of the academic work of the University and the teaching and administrative staffs thereof. 1947, c. 112, s. 75 (1), *part*, *amended*.

(2) No person shall serve as President unless he is a ^{Canadian citizen} Canadian citizen. *New*.

(3) In the absence of the Chancellor, the President shall ^{To confer degrees in absence of Chancellor} confer degrees but if he is absent or unable to act, degrees shall be conferred by such person as the Governing Council may designate.

(4) The President shall make recommendations to the ^{Recommendations as to staffs} Governing Council as to appointments to, promotions in, and suspensions and removals from, the teaching and administrative staffs of the University and University College.

(5) The President is a member *ex officio* of every council. ^{Member of faculty councils, etc.}

(6) The President may summon meetings of the council of any college, faculty or school. ^{Meetings of faculty councils}

Idem,
joint
meetings

(7) The President may summon joint meetings of the councils of the colleges, faculties and schools or any two or more of them.

To be
chairman

(8) The President may take the chair and preside over any meeting he may summon under the authority of subsection 6 or 7.

Annual
report

(9) The President shall report annually to the Governing Council upon the administration and the academic work of the University and University College and may make such recommendations with respect thereto as he considers advisable, and he shall report upon any matter that is referred to him by the Governing Council or the Executive Committee and upon such other matters as he considers advisable. 1947, c. 112, s. 75, *part, amended*.

CONVOCATION

Composition

6.—(1) There shall be a Convocation composed of the members of the Governing Council, committees appointed by the Governing Council, teaching and administrative staffs, students and alumni.

Calling
Convocation

(2) The Governing Council or the Chancellor may call a Convocation for such purpose as the Governing Council or the Chancellor, as the case may be, determines.

Powers

(3) Convocation has power to consider the matter for which it was called and may make such representations thereon as it determines. 1947, c. 112, ss. 51-61, *amended*.

GENERAL

University,
University
College, etc.,
continued

7. The provincial university, known as the University of Toronto, the provincial college, known as University College, and the several colleges, faculties and schools of the University are continued, and, subject to this Act, shall respectively continue to have, hold, possess and enjoy all the property, rights, powers and privileges that they now have, hold, possess or enjoy. 1947, c. 112, s. 2, *amended*.

Appoint-
ments,
statutes,
by-laws, etc.,
continued

8. All appointments in and statutes, by-laws, resolutions and regulations affecting the University and University College and each of them shall continue, subject to this Act. 1959, c. 103, s. 3, *amended*.

Councils
and Caput
continued
1947, c. 112

9.—(1) Unless and until otherwise provided by the Governing Council, the councils and the Caput under *The University of Toronto Act, 1947* and their respective powers are continued.

(2) Notwithstanding section 2 but only with the approval of the Governing Council, any council may at any time change its internal structure and the form of its government.

Powers of Council

10.—(1) Every university and every college federated with the University and every college affiliated with the University shall, subject to any statute in that behalf and to this Act, continue to be so federated or affiliated.

Universities and colleges, federated or affiliated

(2) Every college affiliated with a federated university at the time of its federation with the University, whether heretofore or hereafter entered into, shall, subject to this Act, be deemed to be affiliated with the University.

Colleges affiliated with federated university

(3) The following universities are federated with the University:

Federated universities

1. Victoria University.
2. Trinity College.
3. The University of St. Michael's College.

(4) The following colleges are federated with the University:

Federated colleges

1. Knox College.
2. Wycliffe College.
3. Emmanuel College of Victoria University.

(5) The following college is affiliated with the University:

Affiliated colleges

1. St. Hilda's College, by reason of its having been affiliated with Trinity College when Trinity College became federated with the University.

(6) The Governing Council may remove from federation or affiliation with the University any college, now or hereafter federated or affiliated with it, that becomes an integral part of or federates or affiliates with any other university that has and exercises the powers of conferring any degrees other than those in theology.

Removal of colleges

(7) If and when any university now or hereafter federated with the University ceases to be federated with it, every college that is affiliated with the University by reason only of its having been affiliated with such federated university shall thereupon and thereafter cease to be affiliated with the University, but shall retain the same relation with the federated university with which it was affiliated as existed

College affiliated with federated university, dissolution of federation

when

when such federated university became federated with the University. 1947, c. 112, s. 5, *part, amended*.

Suspension
of degree-
conferring
powers during
federation

11.—(1) The power of conferring degrees, except in theology, of any university now or hereafter federated with the University is suspended and in abeyance but may be resumed by any such federated university if three years have elapsed from the date when its federation with the University took effect and, if after the lapse of such three years, one year's notice in writing of its intention to resume its degree-conferring power has been given to the Governing Council and such federated university ceases to be federated with the University at and after the expiry of the last-mentioned period.

Rights of
graduates
and under-
graduates
of federated
university

(2) The graduates and undergraduates in arts, science and law of a federated university and such graduates and undergraduates thereof in medicine as have passed their examinations in Ontario, so long as such federation continues, have and enjoy the same degrees, honours and status in the University as they held and enjoyed in the federated university. 1947, c. 112, s. 6 (3-5), *amended*.

Constituent
colleges

12. The constituent colleges of the University are,

- (a) Erindale College;
- (b) Innis College;
- (c) New College;
- (d) Scarborough College,

and any other colleges hereafter established by the Governing Council. *New*.

Religious
tests, etc.,
not required

13.—(1) No religious test shall be required of any member of the teaching staff, the administrative staff or any student, and no religious observances according to the forms of any religious denomination or sect shall be imposed on them or any of them.

Right of
federated
universities
and colleges
as to
religion

(2) Nothing in this section interferes with the right of a federated university or college to make such provision in regard to religious instruction and religious worship for its own students as it may deem proper, and to require the same to be observed as a part of its own discipline, but where a federated university or college declares itself to be non-denominational in character, subsection 1 applies to the federated university or college. 1947, c. 112, s. 7, *amended*.

PROPERTY

14. All property heretofore or hereafter granted, conveyed, ^{Property vested in trustees transferred to Governing Council} devised or bequeathed to any person in trust for or for the benefit of the University and University College or either of them or of any college, faculty, school or department thereof or otherwise in connection therewith, subject always to any trust affecting the property, is vested in the Governing Council. 1947, c. 112, s. 9, *amended*.

15. All real property vested in the Governing Council shall, ^{Application of statute of limitations to property} as far as the application thereto of any statute of limitations is concerned, be deemed to have been and to be real property vested in the Crown for the public uses of Ontario. 1947, c. 112, s. 11.

16. The real property vested in the Governing Council or ^{Land vested in Governing Council, etc., not liable to expropriation} owned by or vested in any university or college federated with the University is not liable to be entered upon, used or taken by any municipal or other corporation or by any person possessing the right of taking land compulsorily for any purpose, and no power to expropriate real property hereafter conferred extends to any such real property unless in the Act conferring the power it is made in express terms to apply thereto. 1947, c. 112, s. 13, *amended*.

17.—(1) The property vested in the Governing Council and ^{Exemption of property from taxation, exception as to certain lessees and occupants} any lands and premises leased to or occupied by the Governing Council are not liable to taxation for municipal or school purposes, but, except as mentioned in subsections 2 and 3 and unless otherwise by law exempt, the interest of every lessee under a lease from the Governing Council and every occupant other than the Governing Council of real property vested in the Governing Council is liable to taxation.

(2) The liability to taxation of the interest of a lessee or ^{Certain lessees or occupants same as Governing Council} occupant mentioned in subsection 1 does not extend to the interest of a lessee or occupant,

(a) who is a member of the teaching staff or the administrative staff of the University or University College; or

(b) that is an association of students,

where such person or association is the lessee or occupant of any part of the property commonly known as the University Park, composed of the north halves of park lots numbers eleven, twelve and thirteen in the first concession from the Bay, in the Township of York, now in the City of

Toronto, and including that part of park lot number fourteen in the first concession, described in a conveyance to Her late Majesty Queen Victoria, registered as number 8654R in the registry office for the Registry Division of Toronto, and the interest of every such lessee or occupant is exempt from taxation to the same extent as the Governing Council is by subsection 1 exempt from taxation.

Certain
lands of
federated
bodies
exempt

(3) Those parts of the lots mentioned in subsection 2, which are now or hereafter may be owned, leased or occupied by a federated university or a federated college are also exempt from taxation in the same way and to the same extent as the real property vested in the Governing Council and lands and premises leased to or occupied by the Governing Council are by subsection 1 exempted from taxation. 1947, c. 112, s. 14, *amended*.

AUDITORS

Auditors
R.S.O. 1970,
c. 373

18. The Governing Council shall appoint one or more auditors licensed under *The Public Accountancy Act* to audit the accounts and transactions of the Governing Council at least once a year. 1947, c. 112, s. 37, *amended*.

ANNUAL FINANCIAL REPORT

Annual
financial
report

19.—(1) The Governing Council shall make a financial report annually to the Minister of University Affairs in such form and containing such information as the Minister may require.

Idem

(2) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. 1947, c. 112, s. 38, *amended*.

MISCELLANEOUS

First
election of
members of
Governing
Council

20. Notwithstanding anything in this Act, the Governors of the University of Toronto shall forthwith after this section is proclaimed to be in force, conduct the first election of members of the Governing Council under clauses *d*, *e*, *f* and *g* of subsection 2 of section 2 as if this Act were in force for such purpose, and the Governors shall be deemed to have and may exercise any power necessary or expedient for such purpose.

Repeal

21. The following are repealed:

1947, c. 112

1. *The University of Toronto Act, 1947.*

2. *The University of Toronto Amendment Act, 1953.* 1953, c. 107
3. *The University of Toronto Amendment Act, 1955.* 1955, c. 90
4. *The University of Toronto Amendment Act, 1958.* 1958, c. 119
5. *The University of Toronto Amendment Act, 1959.* 1959, c. 103
6. Section 30 of *The University of Guelph Act, 1964.* 1964, c. 120,
s. 30
7. *The University of Toronto Amendment Act, 1965.* 1965, c. 138

22. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Commence-
ment</sup>

23. This Act may be cited as *The University of Toronto Act, 1971.* ^{Short title}

CHAPTER 57

An Act to amend The Judicature Act

*Assented to July 23rd, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 17 of *The Judicature Act* is repealed and the following substituted therefor: R.S.O. 1970,
c. 228,
re-enacted

17.—(1) The Divisional Court has jurisdiction to hear, Jurisdiction
of Divisional
Court
determine and dispose of,

- (a) all appeals to the Supreme Court under any Act other than this Act and *The County Courts Act*; R.S.O. 1970,
c. 94
- (b) applications for judicial review under *The Judicial Review Procedure Act, 1971*; 1971, c. 48
- (c) all appeals from judgments or orders of judges of the High Court on applications for judicial review under *The Judicial Review Procedure Act, 1971*;
- (d) all appeals from interlocutory judgments or orders of a judge of the High Court, in court or in chambers, with leave as provided in the rules;
- (e) all applications by way of stated case, whether as an appeal or otherwise, to the Supreme Court under any Act other than *The Summary Convictions Act*; R.S.O. 1970,
c. 450
- (f) all appeals from final judgments or orders of the Master of the Supreme Court.

- (2) Where, by or under any Act, other than this Act and *The County Courts Act*, provision is made for an appeal to the High Court or the Court of Appeal, or to a judge thereof, or to a judge of the Supreme Court, or for an application thereto by way of stated case under any Act other than *The Summary Con-*

victions

victions Act, whether as an appeal or otherwise, such provision shall be deemed for the purposes of subsection 1 to provide that the appeal or application shall be to the Supreme Court.

Where appeal
with leave

(3) Where an appeal under any Act referred to in subsection 2 can only be brought with leave,

(a) obtained from the Court of Appeal, such leave shall be obtained from the Divisional Court; or

(b) obtained in any other manner, such leave shall be obtained from the Divisional Court or a judge thereof as provided in the rules.

R.S.O. 1970,
c. 228, s. 28,
repealed

2. Section 28 of *The Judicature Act* is repealed.

R.S.O. 1970,
c. 228, s. 29,
subs. 1,
re-enacted;
subs. 2,
repealed

3. Subsections 1 and 2 of section 29 of *The Judicature Act* are repealed and the following substituted therefor:

(1) Except where it is otherwise provided by statute and subject to the rules regulating the terms and conditions on which appeals may be brought, an appeal lies to the Court of Appeal from,

(a) any final judgment or order of a judge of the High Court in court or in chambers, whether at trial or otherwise; or

(b) any judgment or order of the Divisional Court, with leave as provided by the rules, on any question that is not a question of fact alone.

R.S.O. 1970,
c. 228, s. 114,
subs. 10,
amended

4. Subsection 10 of section 114 of *The Judicature Act* is amended by adding thereto the following clause:

(da) prescribing the time and manner for making an appeal to the Divisional Court.

Commence-
ment

5. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

6. This Act may be cited as *The Judicature Amendment Act, 1971*.

CHAPTER 58

**An Act to repeal
The Fort William Land Titles and
Registry Office Act, 1917**

*Assented to July 23rd, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** *The Fort William Land Titles and Registry Office Act, 1917* <sup>1917, c. 32,
repealed</sup> is repealed.
- 2.** This Act comes into force on a day to be named by <sup>Commence-
ment</sup> the Lieutenant Governor by his proclamation.
- 3.** This Act may be cited as *The Fort William Land Titles and Registry Office Repeal Act, 1971*. ^{Short title}

CHAPTER 59

An Act to amend The Surrogate Courts Act

Assented to July 23rd, 1971
Legislature Dissolved September 13th, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 10 of *The Surrogate Courts Act* is repealed and the following substituted therefor: R.S.O. 1970,
c. 451, s. 10,
re-enacted

10. Every judge of the surrogate court shall take and subscribe the following oath before the chief judge or a judge designated by him: Oath of
office

I, do swear
that I will, truly and faithfully, according to my skill and
knowledge, execute the several duties, powers and trusts of judge
of The Surrogate Court of the
of. So help me God.

2. Section 16 of *The Surrogate Courts Act* is repealed and the following substituted therefor: R.S.O. 1970,
c. 451, s. 16,
re-enacted

16.—(1) In this section, “holiday” means, Holiday
defined

- (a) a holiday as defined in *The Interpretation Act*; R.S.O. 1970,
c. 225
- (b) Saturday;
- (c) the day proclaimed as Civic Holiday in the municipality in which the surrogate court office is located;
- (d) the 26th day of December in a year in which Christmas Day falls on a day other than Saturday, or the 27th day of December in a year in which Christmas Day falls on a Saturday.

(2) Except on holidays when they shall be closed, every surrogate court office shall be kept open from Office hours

9.30 o'clock in the forenoon until 4.30 o'clock in the afternoon.

R.S.O. 1970,
c. 451,
amended

3. *The Surrogate Courts Act* is amended by adding thereto the following section:

Destruction
of documents

18a. Where books, documents, papers or other material have been preserved in the office of the registrar for so long that it appears they need not be preserved any longer, an order authorizing the Inspector of Legal Offices to cause their destruction or other disposition may be made by the Chief Judge of the County and District Courts.

R.S.O. 1970,
c. 451, s. 19,
amended

4. Section 19 of *The Surrogate Courts Act* is amended by striking out "Registrar of the Supreme Court" in the third line and inserting in lieu thereof "Surrogate Clerk for Ontario".

R.S.O. 1970,
c. 451, s. 40,
amended

5. Section 40 of *The Surrogate Courts Act* is amended by striking out "Registrar of the Supreme Court" in the third line and inserting in lieu thereof "Surrogate Clerk for Ontario".

R.S.O. 1970,
c. 451, s. 41,
amended

6. Section 41 of *The Surrogate Courts Act* is amended by striking out "Registrar of the Supreme Court" in the third line and in the fifth and sixth lines and inserting in lieu thereof in each instance "Surrogate Clerk for Ontario".

R.S.O. 1970,
c. 451, s. 42,
amended

7. Section 42 of *The Surrogate Courts Act* is amended by striking out "Registrar of the Supreme Court" in the second line and inserting in lieu thereof "Surrogate Clerk for Ontario".

R.S.O. 1970,
c. 451, s. 43,
amended

8. Section 43 of *The Surrogate Courts Act* is amended by striking out "Registrar of the Supreme Court" in the first line and inserting in lieu thereof "Surrogate Clerk for Ontario".

R.S.O. 1970,
c. 451, s. 44,
subs. 1,
amended

9.—(1) Subsection 1 of section 44 of *The Surrogate Courts Act* is amended by striking out "Registrar of the Supreme Court" in the first and second lines and inserting in lieu thereof "Surrogate Clerk for Ontario".

R.S.O. 1970,
c. 451, s. 44,
subs. 4,
amended

(2) Subsection 4 of the said section 44 is amended by striking out "Registrar of the Supreme Court" in the second line and inserting in lieu thereof "Surrogate Clerk for Ontario".

10. Section 45 of *The Surrogate Courts Act* is amended <sup>R.S.O. 1970,
c. 451, s. 45,
amended</sup> by striking out "Registrar of the Supreme Court" in the second line and inserting in lieu thereof "Surrogate Clerk for Ontario".

11. Section 46 of *The Surrogate Courts Act* is amended <sup>R.S.O. 1970,
c. 451, s. 46,
amended</sup> by striking out "Registrar of the Supreme Court" in the second line and in the fifth and sixth lines and inserting in lieu thereof in each instance "Surrogate Clerk for Ontario".

12. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

13. This Act may be cited as *The Surrogate Courts* ^{Short title} *Amendment Act, 1971*.

CHAPTER 60

An Act to amend The County Courts Act

*Assented to July 23rd, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 8 of *The County Courts Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 94, s. 8,
subs. 1,
re-enacted

(1) Subject to subsection 2, the clerk shall tax costs, subject to revision and appeal therefrom as provided by the rules of court.

Taxation
of costs

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The County Courts Amendment Act, 1971*.

Short title

CHAPTER 61

**An Act to amend
The Highway Improvement Act**

*Assented to July 23rd, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The title to *The Highway Improvement Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 201,
title,
re-enacted

The Public Transportation and Highway Improvement Act.

2. Section 22 of *The Highway Improvement Act* is amended by adding thereto the following subsection:

R.S.O. 1970,
c. 201, s. 22,
amended

(3) Notwithstanding subsection 2, where such a highway is to be closed for a specified period of time not exceeding seventy-two hours and in the opinion of the Minister there is an adequate detour for through traffic, the approval of the by-law may be given by the Minister.

Consent to
temporary
closing of
highway

3. Section 26 of *The Highway Improvement Act* is amended by adding thereto the following subsection:

R.S.O. 1970,
c. 201, s. 26,
amended

(4) Notwithstanding subsection 1, the Minister may direct that any part of the King's Highway or any part of any other highway that is under the jurisdiction and control of the Department may be closed for a specified period of time not exceeding seventy-two hours where, in the opinion of the Minister, there is an adequate detour for through traffic.

Temporary
closing

4. Subsection 4 of section 43 of *The Highway Improvement Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 201, s. 43,
subs. 4,
re-enacted

Copy of
by-law to be
sent to
Minister

- (4) A copy of every by-law appointing a county road superintendent shall be transmitted to the Minister within thirty days of the passing thereof.

R.S.O. 1970,
c. 201, s. 46,
re-enacted

5. Section 46 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Allocation
of moneys by
Minister

- 46.—(1) The Minister shall annually advise every county that has established a county road system and adopted a plan of road construction and maintenance of the moneys he has allocated to the county for road improvements for that year and the county shall file with the Minister not later than the 31st day of March a detailed estimate showing how such allocation is proposed to be spent.

Supple-
mentary
allocation

- (2) A county may submit to the Minister in the year in which the expenditure is to be made a request for a supplementary allocation of moneys for road improvements together with a detailed estimate showing how such allocation is proposed to be spent and the Minister may make such supplementary allocation as he considers appropriate.

Power to
spend
moneys not
limited

- (3) This section does not limit the power of a county to spend moneys raised by it under the provisions of a by-law passed under section 41.

R.S.O. 1970,
c. 201, s. 47,
subs. 1, cl. d,
re-enacted

6.—(1) Clause *d* of subsection 1 of section 47 of *The Highway Improvement Act* is repealed and the following substituted therefor:

- (*d*) a request, authorized by resolution of the council or in the case of an interim statement by resolution of the county road committee, for the payment of moneys allocated under section 46.

R.S.O. 1970,
c. 201, s. 47,
subs. 2,
re-enacted

(2) Subsection 2 of the said section 47 is repealed and the following substituted therefor:

Where rate
may be
varied

- (2) Upon receipt of the statement, declarations and request, the Minister may direct payment to the county treasurer out of the moneys allocated under section 46 of an amount equal to 50 per cent, or in the case of a bridge or culvert an amount not exceeding 80 per cent, of the amount of the expenditure that is properly chargeable to road improvement and in all cases the decision of the Minister is final.

(3) Subsection 4 of the said section 47 is repealed and the following substituted therefor:

R.S.O. 1970,
c. 201, s. 47,
subs. 4,
re-enacted

- (4) Notwithstanding subsection 1 but subject to section 46, the Minister may, in his discretion, direct payment to the county treasurer,

Advance
payments

(a) on or after the 1st day of April in any year, of a sum not exceeding 30 per cent; and

(b) on or after the 1st day of July in any year, of a further sum which, together with the sum paid under clause *a* does not exceed 60 per cent,

of the moneys allocated to the county under subsection 1 of section 46.

- (5) The total of all payments made to a county under this section and section 87*b* in respect of expenditures for road improvements and public transportation made in any year shall not exceed the amount of money allocated to such county for that year under section 46.

Limitation
on payments

7. Subsections 1 and 2 of section 70 of *The Highway Improvement Act* are repealed and the following substituted therefor:

R.S.O. 1970,
c. 201, s. 70,
subs. 1, 2,
re-enacted

- (1) Every township shall by by-law appoint a township road superintendent who, subject to the direction of the council, shall inspect all roads under the jurisdiction and control of the township and shall lay out and supervise all work on such roads.

Township
road
super-
intendent

- (2) A copy of every by-law appointing a township road superintendent shall be transmitted to the Minister within thirty days of the passing thereof.

Copy of
by-law to be
sent to
Minister

8.—(1) Subsection 2 of section 71 of *The Highway Improvement Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 201, s. 71,
subs. 2,
re-enacted

- (2) The Minister shall annually advise every township of the amount of moneys he has allocated to the township for road improvements for that year, and the township shall not later than the 31st day of March file with the Minister a detailed estimate showing how such allocation is proposed to be spent.

R.S.O. 1970,
c. 201, s. 71,
subs. 3,
re-enacted

(2) Subsection 3 of the said section 71 is repealed and the following substituted therefor:

Supple-
mentary
allocation

(3) A township may submit to the Minister in the year in which the expenditure is to be made a request for a supplementary allocation of moneys for road improvements together with a detailed estimate showing how such allocation is proposed to be spent, and the Minister may make such supplementary allocation as he considers appropriate.

R.S.O. 1970,
c. 201, s. 71,
subs. 5,
re-enacted

(3) Subsection 5 of the said section 71 is repealed and the following substituted therefor:

Minister
may
designate
work

(5) The Minister may direct that a payment to a township under this Part shall be made in respect only of the expenditure on such road improvements as he designates and in every such case the estimate filed under subsection 2 shall cover only the estimated expenditure on work so designated.

Power to
spend moneys
not limited

(6) This section does not limit the power of a township to spend moneys raised by it for road improvements.

R.S.O. 1970,
c. 201, s. 74,
subs. 1, cl. d,
re-enacted

9.—(1) Clause *d* of subsection 1 of section 74 of *The Highway Improvement Act* is repealed and the following substituted therefor:

(*d*) a request, authorized by resolution of the council, for the payment of moneys allocated under section 71.

R.S.O. 1970,
c. 201, s. 74,
subs. 3, 4,
re-enacted

(2) Subsections 3 and 4 of the said section 74 are repealed and the following substituted therefor:

Payment to
township

(3) Upon the receipt of the statement, declarations and request, the Minister may direct payment to the township treasurer out of the moneys allocated under section 71 of an amount equal to 50 per cent of the amount of the expenditure that is properly chargeable to road improvement and in all cases the decision of the Minister is final.

Where rate
may be
varied

(4) Notwithstanding subsection 3, the Minister, having regard to the economic condition of the township and the adequacy of its plan of road improvement, may direct payment to the township treasurer out of the moneys allocated under section 71 of such amount as he considers requisite,

(*a*)

(a) in the case of a bridge or culvert, up to 100 per cent; and

(b) in the case of any other road improvement, up to 80 per cent,

of the amount of the expenditure that is properly chargeable to road improvement.

(3) Subsection 6 of the said section 74 is repealed and the following substituted therefor:

R.S.O. 1970,
c. 201, s. 74,
subs. 6,
re-enacted

(6) Notwithstanding subsection 1, but subject to subsection 2 of section 71, the Minister may, in his discretion, direct payment to the township treasurer,

Advance
payments

(a) on or after the 1st day of April in any year, of a sum not exceeding 30 per cent; and

(b) on or after the 1st day of July in any year, of a further sum which, together with the sum paid under clause *a* does not exceed 60 per cent,

of the moneys allocated to the township under subsection 2 of section 71.

(7) The total of all payments made to a township under this section and section 87*b* in respect of expenditures for road improvements and public transportation made in any year shall not exceed the amount of moneys allocated to such township for that year under section 71.

Limitation
on payments

10. Section 77 of *The Highway Improvement Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 201, s. 77,
re-enacted

77.—(1) The Minister shall annually advise every city, town and village of the moneys he has allocated to the city, town or village for road improvements for that year and the city, town or village shall file with the Minister not later than the 31st day of March a detailed estimate showing how such allocation is proposed to be spent.

Allocation
of moneys by
Minister

(2) A city, town or village may submit to the Minister in the year in which the expenditure is to be made a request for a supplementary allocation of moneys

Supple-
mentary
allocation

for

for road improvements together with a detailed estimate showing how such allocation is proposed to be spent, and the Minister may make such supplementary allocation as he considers appropriate.

Limitation
on payments

- (3) No payment shall be made to any city or separated town in a county that does not contribute towards the construction and maintenance of suburban roads.

Power to
spend moneys
not limited

- (4) This section does not limit the power of a city, town or village to spend moneys raised by it for road improvement.

R.S.O. 1970,
c. 201, s. 78,
subs. 1,
re-enacted

11.—(1) Subsection 1 of section 78 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Annual
statement
to Minister

- (1) The city, town or village shall annually, and may with the consent of the Minister at any time during the progress of road construction or maintenance submit to the Minister,
- (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
 - (b) a declaration of the engineer or other officer of the municipality who is charged with the responsibility of directing and supervising the work that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister;
 - (c) a declaration of the treasurer of the municipality that the statement of receipts and expenditures is correct; and
 - (d) a request, authorized by resolution of the council, for the payment of moneys allocated under section 77.

R.S.O. 1970,
c. 201, s. 78,
subs. 2,
re-enacted

(2) Subsection 2 of the said section 78 is repealed and the following substituted therefor:

Payment to
municipality

- (2) Upon receipt of the statement, declarations and request, the Minister may direct payment to the treasurer of the municipality out of moneys allocated under section 77 of an amount equal to 50 per cent of the amount of the expenditure that is properly

chargeable

chargeable to road improvement and in all cases the decision of the Minister is final.

(3) Subsection 3 of the said section 78 is repealed and the following substituted therefor:

R.S.O. 1970,
c. 201, s. 78,
subs. 3,
re-enacted

(3) Notwithstanding subsection 2, in the case of a town not being a separated town or of a village, the Minister, having regard to the economic condition of the town or village and the adequacy of its plan of road improvement, may direct payment to the treasurer of the town or village out of the moneys allocated under section 77 of such amount as he considers requisite in the case of a bridge or culvert not exceeding 80 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final.

Where rate
may be
varied

(4) Subsection 5 of the said section 78 is repealed and the following substituted therefor:

R.S.O. 1970,
c. 201, s. 78,
subs. 5,
re-enacted

(5) Notwithstanding subsection 1 but subject to section 77, the Minister may, in his discretion direct payment to the treasurer of the municipality,

Advance
payments

(a) on or after the 1st day of April in any year, of a sum not exceeding 30 per cent; and

(b) on or after the 1st day of July in any year, of a further sum which, together with the sum paid under clause *a* does not exceed 60 per cent,

of the moneys allocated to the municipality under subsection 1 of section 77.

(6) The total of all payments made to a municipality under this section and section 87b in respect of expenditures for road improvements and public transportation made in any year shall not exceed the amount of moneys allocated to such municipality for that year under section 77.

Limitation
on payments

12. *The Highway Improvement Act* is amended by adding thereto the following Part:

R.S.O. 1970,
c. 201,
amended

PART X-A

DISTRICT, METROPOLITAN AND REGIONAL MUNICIPAL ROADS

- Application** 84a. Notwithstanding Part VI of *The Municipality of Metropolitan Toronto Act*, Part IV of *The Regional Municipality of Ottawa-Carleton Act*, Part V of *The Regional Municipality of Niagara Act*, Part V of *The Regional Municipality of York Act* and Part IV of *The District Municipality of Muskoka Act*, this Part shall apply in the year 1971 and in subsequent years.
- R.S.O. 1970,
cc. 295, 407, 406,
408, 131**
- Interpre-
tation** 84b. In this Part, "municipality" means a district, metropolitan or regional municipality.
- Allocation
of moneys
by Minister** 84c.—(1) The Minister shall annually advise every municipality of the moneys he has allocated to the municipality for road improvements for that year and the municipality shall file with the Minister not later than the 31st day of March a detailed estimate showing how such allocation is proposed to be spent.
- Supple-
mentary
allocation** (2) A municipality may submit to the Minister in the year in which the expenditure is to be made a request for a supplementary allocation of moneys for road improvements together with a detailed estimate showing how such allocation is proposed to be spent and the Minister may make such supplementary allocation as he considers appropriate.
- Power to
spend moneys
not limited** (3) This section does not limit the power of a municipality to spend moneys raised by it for road improvement.
- Annual
statement
to Minister** 84d.—(1) The municipality shall annually, and may with the consent of the Minister at any time during the progress of road construction or maintenance, submit to the Minister,
- (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
- (b) a declaration of the person appointed to administer and manage the municipality's road system that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister and with the approval of the proper officer of the Department;

- (c) a declaration of the treasurer of the municipality that the statement of receipts and expenditures is correct; and
 - (d) a request, authorized by resolution of the council, for the payment of moneys allocated under section 84c.
- (2) Upon receipt of the statement, declarations and request, the Minister may direct payment to the treasurer of the municipality out of moneys allocated under section 84c of an amount equal to 50 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final. Payment to municipality
- (3) Notwithstanding subsection 2 but subject to section 84c, the Minister may, in his discretion, direct payment to the treasurer of the municipality, Advance payments
- (a) on or after the 1st day of April in any year, of a sum not exceeding 30 per cent; and
 - (b) on or after the 1st day of July in any year, of a further sum which together with the sum paid under clause a does not exceed 60 per cent,
- of the moneys allocated to the municipality under subsection 1 of section 84c.
- (4) Notwithstanding subsection 2, where a plan of construction and maintenance of a municipality's road system has been submitted to and approved by the Minister, the Minister may, upon consideration of the estimated money needs required to implement the plan and the financial capability of the municipality, direct payment to the treasurer of the municipality out of moneys allocated under section 84c of such amount as he considers requisite but not exceeding 80 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final. Payment for road improvement
- (5) The total of all payments made to a municipality under this section and section 87b in respect of expenditures for road improvements and public transportation made in any year shall not exceed the amount of moneys allocated to such municipality for that year under section 84c. Limitation on payments

R.S.O. 1970,
c. 201,
Part XIII,
re-enacted

13. Part XIII of *The Highway Improvement Act* is repealed and the following substituted therefor:

PART XIII

SUBWAY CONSTRUCTION

Interpre-
tation

87.—(1) In this Part,

- (a) “municipality” includes a metropolitan or regional municipality;
- (b) “subway” means a rapid transit system or part thereof designated by the Lieutenant Governor in Council and includes those parts of the rapid transit system of the Toronto Transit Commission known as,
 - (i) the Bloor-Danforth Subway, and
 - (ii) the Yonge Street Subway.

Items
properly
chargeable
to subway
construction

- (2) For the purposes of this Part, a municipality may properly charge to subway construction the cost of,
 - (a) the planning and design of the subway;
 - (b) the acquisition of land required for the subway right-of-way, stations and yards;
 - (c) clearing the right-of-way of the subway of obstructions;
 - (d) taking up, removing or changing the location of public utilities;
 - (e) constructing tunnels, stations and other structures incidental to the subway;
 - (f) constructing the roadbed for the subway including the under-drainage, tracks, rails or other surface or facility upon which to operate the subway trains or vehicles;
 - (g) subway cars and other rolling stock;

(h)

(h) constructing,

- (i) storage and maintenance yards or depots for subway cars and other rolling stock,
- (ii) power conditioning and distribution systems,
- (iii) train control, signalling and safety systems,
- (iv) communication and surveillance systems; and
- (i) such other equipment, works or services required for or in connection with the subway as the Minister may approve.

87a.—(1) The Minister shall annually advise every municipality engaged in, or proposing to engage in, the construction of a subway of the amount of moneys he has allocated to the municipality for subway construction for that year and the municipality shall file with the Minister not later than the 31st day of March a detailed estimate showing how such allocation is proposed to be spent.

(2) A municipality may submit to the Minister in the year in which the expenditure is to be made a request for an initial or a supplementary allocation of moneys for subway construction together with a detailed estimate of how such allocation is proposed to be spent and the Minister may make such allocation or supplementary allocation as he considers appropriate.

(3) Where the Minister has made an allocation of moneys under subsection 1 or 2, the municipality shall annually and, with the consent of the Minister may at any time during the year submit to the Minister,

- (a) a detailed statement of receipts and expenditures in respect of the subway in the form prescribed by the Minister;
- (b) a declaration of the treasurer of the municipality that the statement is correct;
- (c) a declaration of the officer of the municipality or other officer responsible for the subway

construction

construction that the statement contains only receipts and expenditures for such construction ; and

- (d) a request, authorized by resolution of the council of the municipality, for payment of moneys allocated under subsection 1.

Payment to
municipality

- (4) Upon receipt of the statement, declarations and request, the Minister may direct payment to the treasurer of the municipality, out of moneys allocated under subsection 1 or 2 of an amount equal to 50 per cent of the expenditure properly chargeable to subway construction and in all cases of doubt or dispute the decision of the Minister is final.

Advance
payment

- (5) Notwithstanding subsection 4 but subject to subsections 1 and 2, the Minister may, in his discretion, direct payment to the treasurer of the municipality,

(a) on or after the 1st day of April in any year, of a sum not exceeding 30 per cent ; and

(b) on or after the 1st day of July in any year, of a further sum which together with the sum paid under clause *a* does not exceed 60 per cent,

of the moneys initially allocated to the municipality under subsection 1 or 2.

Limitation
on payments

- (6) The total of all payments made to a municipality under this section in respect of expenditures made for subway construction in any year shall not exceed the amount of money allocated to such municipality under this section for that year.

Power to
spend
moneys
not limited

- (7) This section does not limit the power of a municipality to spend moneys raised by it for subway construction.

Contribu-
tions to be
deducted

- (8) Where a contribution has been made from any source whatsoever towards an expenditure to which this section applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

R.S.O. 1970,
c. 201,
amended

14. *The Highway Improvement Act* is amended by adding thereto the following Part :

PART XIII-A

PUBLIC TRANSPORTATION

87b—(1) In this Part,

Interpre-
tation

- (a) “municipality” includes a district, metropolitan or regional municipality;
- (b) “public transportation” means any service for which a fare is charged for transporting the public by vehicles operated by or on behalf of a municipality or a local board thereof, or under an agreement between a municipality and a person, firm or corporation but does not include transportation by special purpose facilities such as school buses or ambulances.

(2) The Minister may, having regard for the expenditures made by a municipality in respect of public transportation, including where applicable expenditures in respect of,

Determina-
tion of
financial
assistance

- (a) the purchase or rental, maintenance and operation of street cars, buses, trolley buses and other public transportation vehicles designated by the Minister;
- (b) the acquisition of land for and the construction and maintenance of right-of-way, storage and maintenance yards or depots, stations, passenger shelters and similar facilities;
- (c) agreements, approved by the Minister, with a public utilities commission, or a person, firm or corporation for the supply of public transportation; and
- (d) such other equipment, works or services required for or in connection with public transportation as the Minister may approve,

and having regard for the cost of and the revenue produced by the operation of the public transportation service, determine the extent to which such expenditures are eligible for financial assistance, but no financial assistance shall be payable under this section in respect of expenditures properly chargeable to subway construction under Part XIII.

Payment to
municipality

- (3) Where the Minister has determined the extent to which the expenditures made by a municipality are eligible for financial assistance under subsection 2, the expenditures, to such extent, shall be eligible for financial assistance out of money allocated to the municipality for road improvements at the same rate and in the same manner as expenditures properly chargeable to road improvements, and in all cases of doubt or dispute the decision of the Minister is final.

Municipal
assistance
to public
transporta-
tion service

- (4) Notwithstanding the provisions of any public or private Act, a municipality may contribute toward the cost of any public transportation service provided within the municipality and the operators of such service shall apply such contribution toward such cost.

Demonstra-
tion projects

- (5) The Minister and a municipality may enter into an agreement to provide an experimental or demonstration project related to public transportation.

Commence-
ment

15. This Act comes into force on the day it receives Royal Assent.

Short title

16. This Act may be cited as *The Highway Improvement Amendment Act, 1971*.

CHAPTER 62

**An Act to amend
The Workmen's Compensation Act**

*Assented to July 23rd, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses *c*, *d* and *e* of subsection 1 of section 36 of *The Workmen's Compensation Act* are repealed and the following substituted therefor: R.S.O. 1970,
c. 505, s. 36,
subs. 1,
cls. *c*, *d*, *e*,
re-enacted

- (*c*) where the widow or an invalid husband is the sole dependant, a monthly payment of \$175;
- (*d*) where the dependants are a widow or an invalid husband and one or more children, a monthly payment of \$175, with an additional monthly payment of \$60 to be increased upon the death of the widow or invalid husband to \$70 for each child under the age of sixteen years;
- (*e*) where the dependants are children, a monthly payment of \$70 to each child under the age of sixteen years.

(2) Clauses *a*, *b* and *c* of subsection 5 of the said section 36 are repealed and the following substituted therefor: R.S.O. 1970,
c. 505, s. 36,
subs. 5,
cls. *a*, *b*, *c*,
re-enacted

- (*a*) where the widow or an invalid husband is the sole dependant, \$175;
- (*b*) where the dependants are a widow or an invalid husband and one or more children, \$175 for the widow or invalid husband with a further payment of \$60, to be increased on the death of the widow or invalid husband to \$70, for each child, not exceeding in the whole \$355; or
- (*c*) where the dependants are children, \$70 to each child, not exceeding in the whole \$355.

Application
of subss. 1, 2

(3) Subsections 1 and 2 apply to monthly payments coming due on or after the 1st day of August, 1971 whether the accident occurred before or after that date and whether the award of compensation was made before or after that date, and subsections 1 and 2 do not apply to payments due prior to the 1st day of August, 1971.

R.S.O. 1970,
c. 505, s. 44,
subs. 1,
amended

2.—(1) Subsection 1 of section 44 of *The Workmen's Compensation Act* is amended by striking out "\$7,000" in the fourth line and inserting in lieu thereof "\$9,000", so that the subsection shall read as follows:

How average
earnings to
be computed

(1) Average earnings shall be computed in such a manner as is best calculated to give the rate per week or month at which the workman was remunerated but not so as in any case to exceed the rate of \$9,000 per annum.

Application
of subs. 1

(2) Subsection 1 applies only for the purpose of computing average earnings in respect of accidents occurring on or after the 1st day of August, 1971.

Commence-
ment

3. This Act comes into force on the 1st day of August, 1971.

Short title

4. This Act may be cited as *The Workmen's Compensation Amendment Act, 1971*.

CHAPTER 63

**An Act to amend
The Department of Energy and
Resources Management Act**

*Assented to July 23rd, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The title to *The Department of Energy and Resources Management Act* is repealed and the following substituted therefor: R.S.O. 1970,
c. 112,
title,
re-enacted

The Department of the Environment Act.

2. Section 1 of *The Department of Energy and Resources Management Act* is repealed and the following substituted therefor: R.S.O. 1970,
c. 112, s. 1,
re-enacted

1. In this Act,

Interpre-
tation

(a) "Department" means the Department of the Environment;

(b) "Minister" means the Minister of the Environment.

3. Subsection 1 of section 2 of *The Department of Energy and Resources Management Act* is repealed and the following substituted therefor: R.S.O. 1970,
c. 112, s. 2,
subs. 1,
re-enacted

(1) The department of the public service heretofore known as the Department of Energy and Resources Management is continued under the name "Department of the Environment". Department
continued

4. Any mention of or reference to the Minister of Energy and Resources Management or the Department of Energy and Resources Management in any Act or regulation shall be Reference
to Minister
or
Department
in other Acts

deemed

deemed to be a mention of or reference to the Minister of the Environment or the Department of the Environment, respectively.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Department of Energy and Resources Management Amendment Act, 1971*.

CHAPTER 64

An Act to amend The Conservation Authorities Act

*Assented to July 23rd, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *g* of section 1 of *The Conservation Authorities Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 78, s. 1, cl. *g*, re-enacted

(*g*) "Minister" means the Minister of the Environment.

2. Section 5 of *The Conservation Authorities Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 78, s. 5, re-enacted

5.—(1) In this section, "Metropolitan Conservation Authority" means The Metropolitan Toronto and Region Conservation Authority. Interpretation

(2) The Metropolitan Toronto and Region Conservation Authority is continued and has jurisdiction in all matters provided for in this Act over the area under its jurisdiction on the 31st day of December, 1970, as it may be altered under this Act. Metropolitan Conservation Authority continued

(3) The municipalities that are participating municipalities of the Metropolitan Conservation Authority on the 31st day of December, 1970, shall continue to be participating municipalities until otherwise provided under subsection 4. Present participating municipalities

(4) The Lieutenant Governor in Council may designate, Designation of participating municipalities, area and appointment of members

(*a*) the municipalities that are the participating municipalities of the Metropolitan Conservation Authority;

(*b*) the area over which the Metropolitan Conservation Authority has jurisdiction; and

(*c*)

- (c) any group of municipalities that shall be considered as one municipality for the purpose of appointing a member or members to the Metropolitan Conservation Authority.

Members

- (5) Notwithstanding section 13, the number of members appointed to the Metropolitan Conservation Authority by The Municipality of Metropolitan Toronto shall, at all times, be equal to the total number of members appointed by the other participating municipalities.

R.S.O. 1970,
c. 78, s. 6,
re-enacted

3. Section 6 of *The Conservation Authorities Act* is repealed and the following substituted therefor:

Hamilton
Region
Conservation
Authority
continued

- 6.—(1) The Hamilton Region Conservation Authority is continued and has jurisdiction in all matters provided for in this Act over the area under its jurisdiction on the 31st day of December, 1970, as it may be altered in accordance with this Act.

Present
participating
municipalities

- (2) The municipalities that were participating municipalities of the Hamilton Region Conservation Authority on the 31st day of December, 1970, shall continue to be participating municipalities until otherwise provided under subsection 3.

Designation
of partici-
pating
muni-
cipalities

- (3) The Lieutenant Governor in Council may designate the municipalities that are the participating municipalities of the Hamilton Region Conservation Authority and the area under its jurisdiction.

Members

- (4) Notwithstanding section 13, the number of members appointed by the City of Hamilton shall, at all times, be equal to the total number of members appointed by the other participating municipalities.

R.S.O. 1970,
c. 78, s. 20,
cl. e,
repealed

4. Clause *e* of section 20 of *The Conservation Authorities Act* is repealed.

R.S.O. 1970,
c. 78, s. 27,
subs. 1,
cls. d, e,
re-enacted

5.—(1) Clauses *d* and *e* of subsection 1 of section 27 of *The Conservation Authorities Act* are repealed and the following substituted therefor:

- (d) providing for the appointment of officers to enforce any regulation made under this section or section 28;
- (e) prohibiting or regulating the construction of any building or structure in or on a pond or swamp or in any area susceptible to flooding during a regional

storm,

storm, and defining regional storms for the purposes of such regulations.

(2) Clause *b* of subsection 2 of the said section 27 is repealed and the following substituted therefor:

R.S.O. 1970,
c. 78, s. 27,
subs. 2, cl. *b*,
re-enacted

(*b*) shall interfere with any rights or powers conferred upon a municipality in respect of the use of water for municipal purposes.

6. Section 30 of *The Conservation Authorities Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 78, s. 30,
re-enacted

30. *The Expropriations Act* applies where land is expropriated by an authority or where land is injuriously affected by an authority in the exercise of its statutory powers.

Application
of R.S.O. 1970,
c. 154

7. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

8. This Act may be cited as *The Conservation Authorities Amendment Act, 1971*.

Short title

CHAPTER 65

An Act to amend The Ryerson Polytechnical Institute Act, 1962-63

*Assented to July 23rd, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *c* and *d* of section 1 of *The Ryerson Polytechnical Institute Act, 1962-63* are repealed and the following substituted therefor: 1962-63,
c. 128, s. 1,
cls. c, d,
re-enacted

(*c*) “Minister” means the Minister of Colleges and Universities;

(*d*) “President” means the President of Ryerson Polytechnical Institute.

2. Clause *d* of subsection 2 of section 4 of *The Ryerson Polytechnical Institute Act, 1962-63* is repealed and the following substituted therefor: 1962-63,
c. 128, s. 4,
subs. 3,
re-enacted

(*d*) the President; and

.

3. Subsection 3 of section 5 of *The Ryerson Polytechnical Institute Act, 1962-63* is repealed and the following substituted therefor: 1962-63,
c. 128, s. 5,
subs. 3,
re-enacted

(3) The President is a member of every such committee. President
member of
committees

4.—(1) Clause *b* of section 7 of *The Ryerson Polytechnical Institute Act, 1962-63* is repealed and the following substituted therefor: 1962-63,
c. 128, s. 7,
cl. b,
re-enacted

(*b*) to appoint the President and define his duties and responsibilities.

1962-63,
c. 128, s. 7,
cl. c,
amended

(2) Clause *c* of the said section 7 is amended by striking out "Principal" in the first line and inserting in lieu thereof "President", so that the clause, exclusive of the subclauses, shall read as follows:

(c) upon the recommendation of the President,

.

1962-63,
c. 128, s. 7,
cl. n,
amended

(3) Clause *n* of the said section 7 is amended by striking out "Principal" where it occurs in the seventeenth line and inserting in lieu thereof in each instance "President".

1962-63,
c. 128, s. 7,
cl. r,
re-enacted

(4) Clause *r* of the said section 7 is repealed and the following substituted therefor:

(r) to fix fees to be paid by the students for instruction, laboratory work, examinations, degrees, certificates, diplomas and any ancillary activities;

(ra) to grant bachelor of applied arts and bachelor of technology degrees.

Commence-
ment

5. This Act comes into force on the 1st day of October, 1971.

Short title

6. This Act may be cited as *The Ryerson Polytechnical Institute Amendment Act, 1971*.

CHAPTER 66

The Department of Colleges and Universities Act, 1971

*Assented to July 23rd, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

(a) "Department" means the Department of Colleges and Universities;

(b) "Minister" means the member of the Executive Council designated by the Lieutenant Governor in Council as the Minister of Colleges and Universities.

2.—(1) The department of the public service heretofore known as the Department of University Affairs is continued under the name "Department of Colleges and Universities".

Department
continued

(2) The Minister shall preside over and have charge of the Department and is responsible for the administration of this and such other Acts and the regulations made thereunder as are assigned to him by the provisions thereof or by the Lieutenant Governor in Council.

Duties of
Minister

3.—(1) The Lieutenant Governor in Council may appoint a Deputy Minister of the Department.

Deputy
Minister

(2) Such officers, clerks and servants may be appointed under *The Public Service Act* as are deemed necessary from time to time for the proper conduct of the business of the Department.

Staff
R.S.O. 1970,
c. 386

(3) The Lieutenant Governor in Council may appoint such advisory committees or other consulting bodies as are deemed necessary from time to time.

Advisory
bodies

4. Any mention of or reference to the Minister or Deputy Minister of University Affairs or to the Department of University

References
to Minister,
etc.

Affairs in any Act or regulation shall be deemed to be a mention of or reference to the Minister or Deputy Minister of Colleges and Universities or the Department of Colleges and Universities, as the case may be.

Capital
expenditures
financed
through The
Ontario
Universities
Capital Aid
Corporation

5. The Minister may determine the amount of any capital expenditure of a university or a college of applied arts and technology or of Ryerson Polytechnical Institute, the Art Gallery of Ontario or The Royal Ontario Museum that may be financed through The Ontario Universities Capital Aid Corporation, and debentures may be purchased from a university or a college of applied arts and technology or from Ryerson Polytechnical Institute, the Art Gallery of Ontario or The Royal Ontario Museum by the Corporation only on the recommendation of the Minister.

Colleges of
applied arts
and
technology

6.—(1) Subject to the approval of the Lieutenant Governor in Council, the Minister may establish, name, maintain, conduct and govern colleges of applied arts and technology that offer programs of instruction in one or more fields of vocational, technological, general and recreational education and training in day or evening courses and for full-time or part-time students.

Council of
Regents

(2) The Minister shall be assisted in the planning, establishment and co-ordination of programs of instruction and services for such colleges by a council to be known as the Ontario Council of Regents for Colleges of Applied Arts and Technology composed of such members as may be appointed by the Lieutenant Governor in Council.

Boards of
governors,
advisory
committees

R.S.O. 1970,
c. 89

(3) There shall be a board of governors for each college of applied arts and technology, which shall be a corporation with such name as the Minister may designate and shall be composed of such members and have such powers and duties, in addition to those under *The Corporations Act* as varied by the regulations, as may be provided by the regulations, and each board shall be assisted by an advisory committee for each branch of a program of instruction offered in the college other than programs of instruction referred to in subsection 5.

Agreements

(4) For the purposes of subsection 1 and subject to the approval of the Minister, a board of governors may enter into an agreement with any organization representing one or more branches of industry or commerce or with any professional organization.

Idem

(5) Subject to the approval of the Minister, a board of governors of a college may enter into an agreement with a university for the establishment, maintenance and conduct by

the university in the college of programs of instruction leading to degrees, certificates or diplomas awarded by the university.

(6) The cost of the establishment, maintenance and conduct of a college shall be payable out of moneys appropriated therefor by the Legislature and out of moneys received from Canada for the purposes of technical education or other programs of instruction of the college, moneys contributed by organizations that have entered into agreements with the board of governors of the college, fees paid by students and moneys received from other sources.

Cost of
establish-
ment and
maintenance

(7) The Minister, subject to the approval of the Lieutenant Governor in Council, may make regulations with respect to colleges of applied arts and technology,

Regulations

- (a) providing for the composition of the Ontario Council of Regents for Colleges of Applied Arts and Technology;
- (b) providing for the composition of the boards of governors on a suitably representative basis and of the advisory committees thereof and for the appointment of the members of such boards and committees;
- (c) prescribing the powers and duties of boards of governors and advisory committees, the manner of calling and conducting the meetings thereof and the procedure for the election or appointment of chairmen and officers;
- (d) prescribing the type, content and duration of programs of instruction to be offered;
- (e) prescribing the requirements for admission to any program of instruction, and prescribing the terms and conditions upon which students may remain in, or be discharged from, any program of instruction;
- (f) for the granting of certificates and diplomas of standing following successful completion of any program of instruction;
- (g) prescribing the qualifications and conditions of service of members of the teaching staffs of such colleges;
- (h) providing for the payment of travelling allowances or expenses to members of the Ontario Council of Regents for Colleges of Applied Arts and Technology, boards of governors and advisory committees, and of the officers and employees of such colleges;

(i)

- (i) providing for a payment of a *per diem* allowance to the members, except the chairman, of the Ontario Council of Regents for Colleges of Applied Arts and Technology;
- (j) requiring students to pay registration, tuition and laboratory fees in respect of any program of instruction, and fixing the amounts and manner of payment thereof;
- (k) providing for the admission of persons from outside Ontario, and prescribing fees payable by such persons in respect of any program of instruction and the manner of payment thereof.

Application
of regulations

(8) No regulation made under subsection 7 applies to a university or to programs of instruction given by a university in such colleges.

Remunera-
tion of
chairman

(9) The chairman of the Ontario Council of Regents for Colleges of Applied Arts and Technology shall be paid such remuneration and shall be entitled to such other benefits as may be determined by the Lieutenant Governor in Council.

Present
regulations
continued
R.S.O. 1970,
c. 111

(10) Regulations made under section 15 of *The Department of Education Act* that are in force when this Act comes into force, shall be deemed to have been made by the Minister of Colleges and Universities under this section.

Expenses

7. The expenses of the Department shall be paid out of the moneys appropriated therefor by the Legislature.

Repeal
R.S.O. 1970,
c. 125

8. *The Department of University Affairs Act* is repealed.

Commence-
ment

9. This Act comes into force on the 1st day of October, 1971.

Short title

10. This Act may be cited as *The Department of Colleges and Universities Act, 1971*.

CHAPTER 67

**An Act to amend
The Ontario Development Corporation Act**

*Assented to July 23rd, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 4 of section 8 of *The Ontario Development Corporation Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 308, s. 8, subs. 4, cl. a, re-enacted

- (a) exceed one-third of the first \$250,000 of the cost of the undertaking and one-quarter of the balance of the cost thereof, or \$500,000, whichever is the lesser, but where a majority of the ownership and the control of an undertaking is held by a Canadian citizen or Canadian citizens, a loan under the said clause *c* may be made up to an amount not exceeding 50 per cent of the cost of the undertaking or \$500,000, whichever is the lesser.

2. This Act shall be deemed to have come into force on the 6th day of May, 1971. Commence-
ment

3. This Act may be cited as *The Ontario Development Corporation Amendment Act, 1971*. Short title

CHAPTER 68

**An Act to amend
The Secondary Schools and
Boards of Education Act**

Assented to July 23rd, 1971

Legislature Dissolved September 13th, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor: R.S.O. 1970,
c. 425, s. 1, cl. b,
re-enacted

- (*b*) if he or his parent or guardian is assessed in the secondary school district as an owner or for business assessment or as an owner and for business assessment for an amount that, when adjusted by the assessment equalization factor applicable thereto, as determined under section 71 of *The Assessment Act* is not less than the quotient obtained by dividing the total equalized assessment, for the year next preceding, of property rateable for secondary school purposes in that secondary school district, by three times the average daily enrolment of pupils resident in that secondary school district in such year; or R.S.O. 1970,
c. 32

2. Subsection 3 of section 8 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor: R.S.O. 1970,
c. 425, s. 8,
subs. 3,
re-enacted

- (3) The council of each municipality shall annually account for all moneys collected for secondary school purposes, and any sum collected in excess of the amount required by the board to be raised by the municipality for such purposes shall, except where otherwise provided in the Act under which the sum is collected, be retained by the municipality and applied to reduce the amount that the municipality is required by such board to raise for such purposes in the year next following. Municipality
to account
for moneys

R.S.O. 1970,
c. 425, s. 21,
subs. 5,
re-enacted

3. Subsection 5 of section 21 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor:

Members to
be trustees

- (5) A member of a board of education elected by separate school supporters, appointed by a separate school board, or appointed by the remaining members elected by separate school supporters in the case of a vacancy, is a trustee for secondary school purposes only and shall not vote on matters that affect public schools exclusively, and all other members of a board of education are trustees for public and secondary school purposes.

R.S.O. 1970,
c. 425, s. 29,
subs. 7,
re-enacted

4. Subsection 7 of section 29 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor:

Members to
be trustees

- (7) A member of a divisional board who is,
- (a) elected by separate school supporters; or
 - (b) appointed, in the case of a vacancy,
 - (i) by the remaining members elected to the divisional board by separate school supporters, or
 - (ii) by a separate school board,

is a trustee for secondary school purposes only and shall not vote on a motion that affects public schools exclusively, and all other members of a divisional board are trustees for public and secondary school purposes.

R.S.O. 1970,
c. 425, s. 35,
subs. 1,
amended

5.—(1) Subsection 1 of section 35 of *The Secondary Schools and Boards of Education Act* is amended by inserting after “imposed” in the sixth line “and powers conferred” and by inserting after “imposed” in the ninth line “and conferred”, so that the subsection shall read as follows:

Debentures

- (1) Subject to the approval of the Ontario Municipal Board, the sums required by a divisional board for permanent improvements may be raised by the issue of debentures by the divisional board in the manner provided for the issue of municipal debentures in *The Municipal Act*, and for the purposes of this section the duties imposed and powers conferred under *The Municipal Act* regarding the issuing of debentures and the use of moneys received from the sale or

R.S.O. 1970,
c. 284

hypothecation

hypothecation of debentures, upon the Corporation, the head of council and the treasurer respectively are imposed and conferred upon the divisional board, the chairman of the divisional board and the treasurer of the divisional board respectively.

(2) The said section 35 is amended by adding thereto the following subsection: R.S.O. 1970,
c. 425, s. 35,
amended

(1a) The power conferred on a divisional board to issue debentures includes, pending the sale of debentures, the power to agree with a chartered bank or a person for temporary advances from time to time to meet expenditures incurred up to the total of the amount of the debentures authorized by the Ontario Municipal Board and any further amount that has been authorized by the Ontario Municipal Board. Temporary
advances
pending sale
of debentures

6.—(1) Subsection 1 of section 64 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor: R.S.O. 1970,
c. 425, s. 64,
subs. 1,
re-enacted

(1) A child who is a ward of a children's aid society or who is in the care of a children's aid society, and who has been promoted or transferred to a secondary school, shall be admitted, without the payment of a fee, to a secondary school operated by the board of the secondary school district in which the child resides. Admission of
ward, etc.,
of children's
aid society

(2) Subsection 2 of the said section 64 is repealed. R.S.O. 1970,
c. 425, s. 64,
subs. 2,
repealed

7.—(1) Subsection 4 of section 77 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor: R.S.O. 1970,
c. 425, s. 77,
subs. 4,
re-enacted

(4) A trainable retarded child who is a ward of a children's aid society or who is in the care of a children's aid society shall be admitted without the payment of a fee to a school for trainable retarded children operated by the divisional board of the school division in which the child resides. Ward of
children's
aid society

(2) Subsection 5 of the said section 77 is repealed. R.S.O. 1970,
c. 425, s. 77,
subs. 5,
repealed

8.—(1) This Act, except sections 1, 6 and 7, comes into force on the day it receives Royal Assent. Commence-
ment

Idem

(2) Sections 1, 6 and 7 come into force on the 1st day of January, 1972.

Short title

9. This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1971*.

CHAPTER 69

An Act to amend The Public Schools Act*Assented to July 23rd, 1971**Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.**—(1) Subsection 7 of section 5 of *The Public Schools Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 385, s. 5, subs. 7, re-enacted
- (7) A child who is a ward of a children's aid society or who is in the care of a children's aid society shall be admitted, without the payment of a fee, to a public school operated by the board of the school section in which the child resides. Admission of ward, etc., of children's aid society
- (2) Subsection 8 of the said section 5 is repealed. R.S.O. 1970, c. 385, s. 5, subs. 8, repealed
- (3) Subsections 10 and 11 of the said section 5 are repealed and the following substituted therefor: R.S.O. 1970, c. 385, s. 5, subss. 10, 11, re-enacted
- (10) Where a parent or guardian wishes to enrol his child in a public school in a school section, other than the one in which he resides, and he is assessed for public school purposes in that school section, Admission of non-resident pupil, where parent assessed in section
- (a) as an owner; or
- (b) for business assessment; or
- (c) as an owner and for business assessment,
- for an amount that, when adjusted by the assessment equalization factor applicable thereto, as determined under section 71 of *The Assessment Act* is not less than the quotient obtained by dividing the total

equalized

equalized assessment, for the year next preceding, of property rateable for public school purposes in that school section, by the average daily enrolment of pupils resident in that school section in such year, the child shall be admitted to a public school operated by the board of that school section without the payment of a fee.

Resident on
land exempt
from
taxation

- (11) A child who is otherwise qualified to attend a public school and who resides on land that is exempt from taxation for school purposes shall be admitted to a public school that is accessible to him where the appropriate supervisory officer has certified that there is sufficient accommodation for the child in the school for the current year, and fees as determined under section 72 of *The Schools Administration Act*, except where the regulations provide otherwise in respect of such fees, shall be prepaid monthly by the child or by his parent or guardian.

R.S.O. 1970,
c. 424

R.S.O. 1970,
c. 385, s. 26,
re-enacted

2. Section 26 of *The Public Schools Act* is repealed and the following substituted therefor:

Township
school areas

- 26.—(1) Subject to subsections 2, 3 and 4, every township that does not form part of a school division is a township school area.

Alteration
of areas

- (2) The council of a township that forms all or part of a township school area may, by a by-law passed before the 1st day of July in any year,

(a) add all or part of a school section in territory without municipal organization to the township school area; or

(b) detach any portion of the township school area and attach such portion to another township school area,

if consent thereto has been given by a resolution passed within ninety days of the passing of the by-law, in the case of a school section in territory without municipal organization by the board of the school section and in other cases by the councils of the other municipalities concerned.

Effective
date of
by-law

- (3) A by-law passed under subsection 2 comes into force on the 1st day of January after it is approved by the Minister, except that for the purposes of the election of trustees, it shall be effective on the day it is approved by the Minister.

(4)

(4) Where,

Newly
incorporated
municipalities

(a) a part of a township school area becomes incorporated as a municipality, the municipality so incorporated shall continue to form part of the township school area; or

(b) parts of two or more township school areas become incorporated as a municipality, the municipality so incorporated shall form part of the township school area that surrounds it or with which it has the greatest length of common boundary.

(5) All rights and claims arising under this section shall be adjusted as provided in section 30.

Adjustment
of claims

(6) Where a township school area includes part or all of two or more municipalities, the sums required by the board shall be apportioned among such municipalities or parts in the same manner as such sums are apportioned in a school division under subsection 4 of section 32 of *The Secondary Schools and Boards of Education Act*.

Apportion-
ment of costs
where more
than one
municipi-
pality
in area

R.S.O. 1970,
c. 425

3. Subsection 1 of section 41 of *The Public Schools Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 385, s. 41,
subs. 1,
re-enacted

(1) The board of a school section in the territorial districts that does not form part of a school division has the same powers in respect of the issue, sale and hypothecation of debentures as a divisional board of education, and subsections 1 and 1a of section 35 of *The Secondary Schools and Boards of Education Act* apply *mutatis mutandis*, provided that the issue of debentures by the board of a school section that comprises only territory without municipal organization has been sanctioned at a special meeting of the ratepayers of the school section.

Issue of
debentures
by boards in
territorial
districts not
in school
division

R.S.O. 1970,
c. 425

4. Subsection 1 of section 42 of *The Public Schools Act* is amended by inserting after "section" in the first line "that comprises only territory without municipal organization", so that the subsection shall read as follows:

R.S.O. 1970,
c. 385, s. 42,
subs. 1,
amended

(1) The board of a school section that comprises only territory without municipal organization may appoint some competent person, who may be a member thereof, to collect the rates imposed by them

Appointment
and duties of
school
collector

upon

upon the ratepayers of the section, or the sums that the inhabitants or others may have subscribed, and may pay the collector at the rate of not more than 10 per cent on the moneys collected by him, and every collector shall give security satisfactory to the board, and the security shall be lodged for safe keeping with the appropriate supervisory officer.

R.S.O. 1970,
c. 385, s. 44,
repealed

5. Section 44 of *The Public Schools Act* is repealed.

R.S.O. 1970,
c. 385, s. 47,
re-enacted

6. Section 47 of *The Public Schools Act* is repealed and the following substituted therefor:

Levy of
sums
required
by boards

47—(1) The council of each municipality shall levy and collect upon the taxable property of the public school supporters of each school section or part of a school section within the municipality, in the manner provided in this Act and in *The Municipal Act*, such sums as may be required by the board or boards of such school section or sections for school purposes, and shall pay them to the treasurer or treasurers of the board or boards in such instalments and at such times as are provided in section 34 of *The Secondary Schools and Boards of Education Act*, which section applies *mutatis mutandis*.

R.S.O. 1970,
c. 284

R.S.O. 1970,
c. 425

Sums payable
to board

(2) The sums payable by a municipality to the board of a school section are payable out of moneys raised or to be raised upon the taxable property of the public school supporters in the school section or the part thereof lying within the municipality.

Muni-
cipality to
account for
moneys

(3) The council of each municipality shall annually account for all moneys collected for public school purposes, and any sum collected in excess of the amount required by the board to be raised by the municipality for such purposes shall, except where otherwise provided in the Act under which the sum is collected, be retained by the municipality and applied to reduce the amount that the municipality is required by such board to raise for such purposes in the year next following.

R.S.O. 1960,
c. 330, s. 77,
(1966, c. 129,
s. 45),
repealed

7. Section 77 of *The Public Schools Act*, as re-enacted by section 45 of *The Public Schools Amendment Act, 1966*, is repealed.

Commence-
ment

8.—(1) This Act, except sections 1, 3, 5 and 6, comes into force on the day it receives Royal Assent.

(2) Sections 1, 3, 5 and 6 come into force on the 1st day ^{Idem} of January, 1972.

9. This Act may be cited as *The Public Schools Amendment* ^{Short title} *Act, 1971*.

CHAPTER 70

An Act to amend The Separate Schools Act

Assented to July 23rd, 1971
Legislature Dissolved September 13th, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 7 of section 25 of *The Separate Schools Act* is repealed and the following substituted therefor: R.S.O. 1970,
c. 430, s. 25,
subs. 7,
re-enacted

(7) A child who is a ward of a children's aid society or who is in the care of a children's aid society shall be admitted, without the payment of a fee, to a separate school operated by the board of the separate school zone in which the child resides. Admission of
ward of
children's
aid society

(2) Subsection 8 of the said section 25 is repealed. R.S.O. 1970,
c. 430, s. 25,
subs. 8,
repealed

(3) Subsection 15 of the said section 25 is repealed and the following substituted therefor: R.S.O. 1970,
c. 430, s. 25,
subs. 15,
re-enacted

(15) Where a parent or guardian wishes to enrol his child in a separate school in a zone other than the one in which the parent or guardian and the child reside, and the parent or guardian is assessed for separate school purposes in that zone, Where a
separate
school
supporter
resides in
one zone but
owns land in
another zone

- (a) as an owner; or
- (b) for business assessment; or
- (c) as an owner and for business assessment,

for an amount that, when adjusted by the assessment equalization factor applicable thereto, as determined under section 71 of *The Assessment Act* is not less than the quotient obtained by dividing the total equalized assessment, for the year next preceding, of property rateable for separate school purposes in that zone, by the average daily enrolment of pupils resident in that zone in such year, the child shall be admitted

to

to a separate school by the board of that zone without the payment of a fee.

R.S.O. 1970,
c. 430, s. 50,
subs. 1, cl. f,
re-enacted

2. Clause *f* of subsection 1 of section 50 of *The Separate Schools Act* is repealed and the following substituted therefor:

collection
of rates

(f) where the board has made a request to a municipality in accordance with section 71, to submit to the council of the municipality, on or before the 1st day of March in each year, the rates required by the board to be levied and collected in such municipality for all separate school purposes authorized by this Act to be collected from the separate school supporters of the separate schools under the control of the board.

R.S.O. 1970,
c. 430, s. 71,
amended

3. Section 71 of *The Separate Schools Act* is amended by adding thereto the following subsection:

Request for
collection
of rates

(1a) The request referred to in subsection 1 shall continue in force and be acted upon until it is withdrawn or cancelled by a notice subsequently given by the board on or before the 1st day of February in any year.

Commence-
ment

4.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 comes into force on the 1st day of January, 1972.

Short title

5. This Act may be cited as *The Separate Schools Amendment Act, 1971*.

CHAPTER 71

**An Act to repeal
The Maternity Boarding Houses Act**

*Assented to July 23rd, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Maternity Boarding Houses Act* is repealed.

R.S.O. 1970,
c. 264,
repealed
2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment
3. This Act may be cited as *The Maternity Boarding Houses Repeal Act, 1971*.

Short title

CHAPTER 72

**An Act to amend
The Corporations Tax Act***Assented to July 23rd, 1971**Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5a of *The Corporations Tax Act*, as enacted by section 1 of *The Corporations Tax Amendment Act, 1971*, is amended by adding thereto the following subsection: R.S.O. 1970,
c. 91, s. 5a,
(1971, c. 11,
s. 1),
amended

(2a) For the purposes of this section, where the machinery and equipment in respect of which the provisions of subsection 2 would otherwise apply, is not used by the corporation in the fiscal year in which it is acquired, such machinery and equipment shall be deemed to have been acquired and used by the corporation in the fiscal year in which it is first used. Deemed
acquisition
and use

2. This Act shall be deemed to have come into force on the 26th day of April, 1971. Commence-
ment

3. This Act may be cited as *The Corporations Tax Amendment Act, 1971* (No. 2). Short title

CHAPTER 73

An Act to amend The Regional Municipal Grants Act

*Assented to July 23rd, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Regional Municipal Grants Act* is amended by adding thereto the following section:

R.S.O. 1970,
c. 405,
amended

9.—(1) In this section,

Interpre-
tation

- (a) “area municipality” means an area municipality as defined by *The Regional Municipality of Niagara Act*, *The Regional Municipality of Ottawa-Carleton Act*, *The Regional Municipality of York Act* and *The District Municipality of Muskoka Act*;
- R.S.O. 1970,
cc. 406, 407,
408, 131,
- (b) “merged area” means a merged area as defined by *The Regional Municipality of Niagara Act*, *The Regional Municipality of York Act* and *The District Municipality of Muskoka Act*.

- (2) The Lieutenant Governor in Council may, by order, provide for payments to be made to The Regional Municipality of Niagara, The Regional Municipality of Ottawa-Carleton, The Regional Municipality of York, The District Municipality of Muskoka and to any area municipality for a period not exceeding five years from the date this Act comes into force to minimize changes in the incidence of local taxation and to promote the development of services on a regional or district basis.
- Special
payments

- (3) Payments made under subsection 2 shall be made on such terms and conditions as the Minister may direct.
- Terms and
conditions

Apportion-
ment of
regional or
district levy

(4) Notwithstanding this or any other Act, where payments are made to a regional or district municipality in any year under this section,

(a) the council of the regional or district municipality, as the case may be, shall by by-law passed in that year and approved by the Minister apportion the regional or district levy among the area municipalities, and such apportionment shall apply in that year and the following three years; and

(b) the council of an area municipality may by by-law approved by the Minister apportion the regional or district levy among the merged areas within the area municipality and such apportionment shall apply in that year and in the following three years.

Apportion-
ment of
local levy

(5) Notwithstanding this or any other Act, where payments are made to an area municipality under this section, the council of the area municipality may by by-law approved by the Minister apportion the local levy among the merged areas within the area municipality and such apportionment shall apply in that year and in the following three years.

Payments
out of Fund

(6) Payments under this section shall be paid out of the Consolidated Revenue Fund.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Regional Municipal Grants Amendment Act, 1971*.

CHAPTER 74

An Act to amend The Regional Municipality of Ottawa-Carleton Act

*Assented to July 23rd, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 27 of *The Regional Municipality of Ottawa-Carleton Act* is repealed and the following substituted therefor: R.S.O. 1970,
c. 407, s. 27,
subs. 1,
re-enacted

- (1) On and after the 1st day of January, 1969, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area and all of the provisions of any general Act relating to the supply and distribution of water by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the supply and distribution of water by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission. Supply and
distribution
of water by
Regional
Corporation

- (2) Subsection 6 of the said section 27 is repealed. R.S.O. 1970,
c. 407, s. 27,
subs. 6,
repealed

2. Subsection 1 of section 35 of *The Regional Municipality of Ottawa-Carleton Act* is repealed and the following substituted therefor: R.S.O. 1970,
c. 407, s. 35,
subs. 1,
re-enacted

- (1) Where in the opinion of the Regional Council an area municipality or a portion thereof will or may derive a special benefit from the assumption or construction and operation of a work or water-course, the Regional Council may, with the approval of the Municipal Board, at the time of authorizing the construction, extension or improvement of the work and at any time in respect of the assumption of the work by by-law provide that the area Special
benefit

municipality shall be chargeable with and shall pay to the Regional Corporation the whole or such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality.

Idem

- (1a) When an area municipality receives a special benefit by the extension or improvement of a work and the capital cost of the work has already been apportioned by by-law, the Regional Council may, with the approval of the Municipal Board, repeal or amend any such by-law and reapportion the capital cost of such work among all the area municipalities which receive a special benefit therefrom.

R.S.O. 1970,
c. 407, s. 98,
repealed

3. Section 98 of *The Regional Municipality of Ottawa-Carleton Act* is repealed.

R.S.O. 1970,
c. 407,
amended

4. *The Regional Municipality of Ottawa-Carleton Act* is amended by adding thereto the following sections:

Waste,
defined

- 140a.—(1) In this section, “waste” includes ashes, garbage, refuse and domestic or industrial waste of any kind.

Agreement

- (2) Where an area municipality has requested the Regional Corporation to provide facilities for the purpose of receiving, dumping and disposing of waste, the Regional Corporation and the area municipality may enter into an agreement for the use and operation of such facilities.

Waste
disposal
sites

- (3) For the purposes of an agreement under subsection 2, the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon any such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste.

Application
of land use
by-laws
R.S.O. 1970,
c. 284

- (4) A by-law passed under paragraph 116 of subsection 1 of section 354 of *The Municipal Act* does not apply to the Regional Corporation.

Acquisition
of land for
waste disposal

- (5) For the purposes of subsection 3, paragraph 77 of subsection 1 of section 354 of *The Municipal Act* applies *mutatis mutandis*.

140*b*. Paragraph 1 of section 373 of *The Municipal Act* Application of R.S.O. 1970, c. 284, s. 373, par. 1 applies *mutatis mutandis* to the Regional Corporation.

5. This Act comes into force on the day it receives Commence-
ment Royal Assent.

6. This Act may be cited as *The Regional Municipality of* Short title *Ottawa-Carleton Amendment Act, 1971.*

CHAPTER 75

**An Act to amend
The Regional Municipality of York Act**

*Assented to July 23rd, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *j* of section 1 of *The Regional Municipality of York Act* is amended by adding at the end thereof "and includes the Township of East Gwillimbury and the Township of King". R.S.O. 1970, c. 408, s. 1, cl. j, amended

2. Section 35 of *The Regional Municipality of York Act* is amended by adding thereto the following subsection: R.S.O. 1970, c. 408, s. 35, amended

(3) The Regional Corporation may enter into a contract for the purchase of water from any adjoining regional or metropolitan municipality, and no area municipality shall, after the 1st day of July, 1971, enter into any such contract with any municipality. Purchase of water

3. Subsection 2 of section 55 of *The Regional Municipality of York Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 408, s. 55, subs. 2, re-enacted

(2) The Regional Corporation and any local, regional or metropolitan municipality outside the Regional Area may enter into a contract to receive and dispose of sewage and land drainage from the local, regional or metropolitan municipality or from the Regional Area on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time, and no area municipality shall enter into any such contract with any municipality. Contracts for disposal of sewage

4. Section 107 of *The Regional Municipality of York Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 408, s. 107, re-enacted

Regional
Corporation
deemed city
under
R.S.O. 1970,
c. 351

107.—(1) On and after the 1st day of January, 1971,

- (a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 8 thereof;
- (b) *The Police Act* does not apply to any area municipality; and
- (c) the York Police Board and the members of the York Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

Fines

- (2) The fines imposed for the contravention of the by-laws of any area municipality shall, where prosecuted by the York Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened.

R.S.O. 1970,
c. 408, s. 111,
amended

5. Section 111 of *The Regional Municipality of York Act* is amended by adding thereto the following subsection:

Where no
last revised
assessment
roll

- (1a) Where in any year in an area municipality there is no last revised assessment roll, for the purposes of this Part the assessment roll as returned shall be deemed to be the last revised assessment roll for that year.

R.S.O. 1970,
c. 408, s. 128,
repealed

6. Section 128 of *The Regional Municipality of York Act* is repealed.

R.S.O. 1970,
c. 408, s. 149,
subs. 6,
re-enacted

7.—(1) Subsection 6 of section 149 of *The Regional Municipality of York Act* is repealed and the following substituted therefor:

Deemed
municipality
for
R.S.O. 1970,
cc. 81, 332

- (6) For the purposes of *The Construction Safety Act* and sections 63 and 64 of *The Ontario Water Resources Commission Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes and, for the purposes of sections 62 and 65 of *The Ontario Water Resources Commission Act*, the Regional Corporation shall be deemed to be a municipality.

(2) The said section 149 is amended by adding thereto the following subsection:

R.S.O. 1970,
c. 408, s. 149,
amended

(9) Paragraph 1 of section 373 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

Application
of R.S.O. 1970,
c. 284, s. 373,
par. 1

8. Section 153 of *The Regional Municipality of York Act* is amended by inserting after "employee" in the second line "including a member of the York Regional Police Force", so that the section shall read as follows:

R.S.O. 1970,
c. 408, s. 153,
amended

153. Where, in an action or by the settlement of a claim arising out of any injury to an employee, including a member of the York Regional Police Force, or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose.

Payment of
damages to
employees

R.S.O. 1970,
c. 505,

9.—(1) Subsection 2 of section 169 of *The Regional Municipality of York Act* is amended by striking out "for the year 1971" in the second and third lines and inserting in lieu thereof "until such date as the Minister may by order designate".

R.S.O. 1970,
c. 408, s. 169,
subs. 2,
amended

(2) Subsection 3 of the said section 169 is amended by striking out "for the year 1971" in the second line and inserting in lieu thereof "until such date as the Minister may by order designate".

R.S.O. 1970,
c. 408, s. 169,
subs. 3,
amended

(3) Subsection 4 of the said section 169 is amended by striking out "for the year 1971" in the fourth line and inserting in lieu thereof "until such date as the Minister may by order designate".

R.S.O. 1970,
c. 408, s. 169,
subs. 4,
amended

(4) Subsection 5 of the said section 169 is amended by striking out "the 1st day of January, 1972" in the fifth line and inserting in lieu thereof "such date as the Minister may by order designate".

R.S.O. 1970,
c. 408, s. 169,
subs. 5,
amended

(5) Subsection 6 of the said section 169 is amended by striking out "the 1st day of January, 1972" in the fourth line and inserting in lieu thereof "such date as the Minister may by order designate".

R.S.O. 1970,
c. 408, s. 169,
subs. 6,
amended

Grant to
Blue Hills
Academy
authorized

10. The Regional Corporation may make a grant of \$60,000 to Blue Hills Academy in the Town of Aurora payable in equal instalments in the years 1971 and 1972.

Commence-
ment

11.—(1) This Act, except sections 4 and 7, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 4 and 7 shall be deemed to have come into force on the 1st day of January, 1971.

Short title

12. This Act may be cited as *The Regional Municipality of York Amendment Act, 1971*.

CHAPTER 76

An Act to amend The District Municipality of Muskoka Act

*Assented to July 23rd, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 109 of *The District Municipality of Muskoka Act* is repealed. R.S.O. 1970,
c. 131, s. 109
repealed
2. Section 130 of *The District Municipality of Muskoka Act* is amended by adding thereto the following subsection: R.S.O. 1970,
c. 131, s. 130,
amended
 - (7) Paragraph 1 of section 373 of *The Municipal Act* applies *mutatis mutandis* to the District Corporation. Application
of R.S.O. 1970,
c. 284, s. 373,
par. 1
- 3.—(1) Subsection 2 of section 152 of *The District Municipality of Muskoka Act* is amended by striking out “for the year 1971” in the fourth line and inserting in lieu thereof “until such date as the Minister may by order designate”. R.S.O. 1970,
c. 131, s. 152,
subs. 2,
amended
- (2) Subsection 3 of the said section 152 is amended by striking out “the 1st day of January, 1972” in the fifth line and inserting in lieu thereof “such date as the Minister may by order designate”. R.S.O. 1970,
c. 131, s. 152,
subs. 3,
amended
- (3) Subsection 4 of the said section 152 is amended by striking out “the 1st day of January, 1972” in the fourth and fifth lines and inserting in lieu thereof “such date as the Minister may by order designate”. R.S.O. 1970,
c. 131, s. 152,
subs. 4,
amended
4. This Act comes into force on the day it receives Royal Assent. Commence-
ment
5. This Act may be cited as *The District Municipality of Muskoka Amendment Act, 1971*. Short title

CHAPTER 77

**An Act to amend
The Regional Municipality of Niagara Act**

*Assented to July 23rd, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 54 of *The Regional Municipality of Niagara Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 406, s. 54, subs. 1, re-enacted

(1) Where in the opinion of the Regional Council an area municipality or a portion thereof will or may derive a special benefit from the assumption or construction and operation of a work or watercourse, the Regional Council may, with the approval of the Municipal Board, at the time of authorizing the construction, extension or improvement of the work, and at any time in respect of the assumption of the work, by by-law provide that the area municipality shall be chargeable with and shall pay to the Regional Corporation the whole or such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality. Special benefit

(1a) When an area municipality receives a special benefit Idem by the extension or improvement of a work and the capital cost of the work has already been apportioned by by-law, the Regional Council may, with the approval of the Municipal Board, repeal or amend any such by-law and reapportion the capital cost of such work among all the area municipalities which receive a special benefit therefrom.

2. Section 110 of *The Regional Municipality of Niagara Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 406, s. 110, re-enacted

Regional
Corporation
deemed city
under
R.S.O. 1970,
c. 351

110.—(1) On and after the 1st day of January, 1971,

- (a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 8 thereof;
- (b) *The Police Act* does not apply to any area municipality; and
- (c) the Niagara Police Board and the members of the Niagara Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

Application
of fines

- (2) The fines imposed for the contravention of the by-laws of any area municipality shall, where prosecuted by the Niagara Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened.

R.S.O. 1970,
c. 406, s. 111,
subss. 2-4,
re-enacted

3. Subsections 2, 3 and 4 of section 111 of *The Regional Municipality of Niagara Act* are repealed and the following substituted therefor:

Expenses of
Niagara
Police
Board for
purpose of
1971 levy

- (2) For the purpose of subsection 3, the expenses for the year 1970 of the board of commissioners of police for each area municipality shall be deemed to be those expenditures borne by an area municipality in accordance with subsection 1 and such additional amount in respect of the use of accommodation and other facilities of an area municipality as may be agreed upon between the financial officer of the Regional Corporation and the treasurer of the area municipality.

Apportion-
ment in 1971

- (3) The amount determined under subsection 2 for an area municipality shall be increased by an amount equivalent to the sum credited to the area municipality under clause c of subsection 1 of section 3 of *The Regional Municipal Grants Act* and the total amount so determined for the area municipality shall be the amount levied by the Regional Corporation in the year 1971 under section 119 against the area municipality for the expenses of the Niagara Police Board.

R.S.O. 1970,
c. 405

- (4) If the total of the amounts levied against the area Idem municipalities under subsection 3 is not sufficient to cover the total expenses in the year 1971 of the Niagara Police Board, the additional amount shall be levied against the area municipalities in accordance with section 119.
- (5) In the years 1972 to 1975 inclusive, notwithstanding the provisions of section 119 respecting apportionment, the Regional Council shall by by-law in each year, approved by the Department, apportion the estimated expenses of the Niagara Police Board for such year to be levied against and in each area municipality. Apportionment for 1972-1975
- (6) The area municipality may pay the amounts charge- Rates for expenses of able to it in each year for the expenses of the Niagara Police Board in respect of maintaining, operating and administering the Niagara Regional Police Force under section 119, out of its general funds or, subject to the approval of the Ontario Police Commission, by levying rates that are different between areas defined by the council or by levying rates in one or more such areas only. Niagara Police Board
- (7) Subject to the approval of the Ontario Police Com- Farm lands mission, the council of an area municipality may grant entire or partial exemption from any rate or rates levied under subsection 6 to lands and buildings used exclusively for farming purposes.

4. *The Regional Municipality of Niagara Act* is amended R.S.O. 1970, c. 406, amended by adding thereto the following section:

115a.—(1) Notwithstanding subsection 4 of section 175 Application of R.S.O. 1970, c. 284, ss. 377, 378 to area municipalities the provisions of paragraphs 1 and 6 of section 377 and section 378 of *The Municipal Act* do not apply to any area municipality.

- (2) The Niagara Police Board may pass by-laws applic- By-laws by able to one or more area municipalities: Niagara Police Board

1. For licensing, regulating and governing teamsters, carters, draymen, owners and drivers of cabs, buses, motor or other vehicles used for hire or any class or classes thereof; for establishing the rates or fares to be charged by the owners or drivers of such vehicles for the conveyance of goods or passengers either wholly within an area municipality Teamsters, cab owners and drivers, etc.

or to any point not more than three miles beyond its limits, and for providing for the collection of such rates or fares; for limiting the number of cabs, buses, motor or other vehicles used for hire, or any class or classes thereof, and for revoking any such licence.

Insurance
for teamsters,
cab owners,
etc.

2. For requiring any or all persons mentioned in paragraph 1 to provide public liability, property damage, cargo or other insurance in the form and to the amounts of coverage prescribed in the by-law and, providing that where such insurance is not so provided, the Niagara Police Board may refuse, refuse to renew or revoke any licence issued under paragraph 1.

Taxi-cab
brokers

3. For licensing, regulating and governing taxi-cab brokers and for revoking any such licence and for requiring taxi-cab brokers to provide public liability, property damage, cargo or other insurance in the form and to the amounts of coverage prescribed in the by-law in respect of each taxi-cab operated in association with such broker and, providing that where such insurance is not so provided, the Niagara Police Board may refuse, refuse to renew or revoke any such licence.

(a) In this paragraph, "taxi-cab broker" means any person who accepts calls in any manner for taxi-cabs that are used for hire and that are owned by persons other than himself, his immediate family or his employer.

Salvage
shops, etc.

4. For licensing, regulating and governing salvage shops, salvage yards, second-hand goods shops and dealers in second-hand goods, and for revoking any such licence.

(a) In this paragraph,

- (i) "dealers in second-hand goods" includes persons who go from house to house or along highways for the purpose of collecting, purchasing or obtaining second-hand goods,

(ii)

(ii) "salvage yard" includes an automobile wrecking yard or premises,

(iii) "second-hand goods" includes waste paper, rags, bones, bottles, bicycles, automobile tires, old metal and other scrap material and salvage.

(b) The by-law may apply to and require every person using a vehicle for any of the purposes mentioned in this paragraph, either on his account or as the agent or servant of another person, to take out a licence.

(c) The power of licensing does not apply to persons engaged in any of the objects mentioned in this paragraph for patriotic or charitable purposes.

(d) The fee to be paid for the licence shall not exceed \$20 for one year.

(e) Any licence issued under this paragraph may be issued to authorize the licensee to deal in one class only of second-hand goods or in more than one class as may be specified in the licence, and such licensee is not entitled to deal in any class of second-hand goods not covered by his licence.

(3) All licence fees payable under any by-law enacted under subsection 2 are payable to the Regional Corporation.

Licence fees payable to Regional Corporation

5. *The Regional Municipality of Niagara Act* is amended by adding thereto the following section:

R.S.O. 1970, c. 406, amended

124a.—(1) In this section,

Interpretation

(a) "defined area" means an area within a municipality in which a special area charge is levied;

(b) "service" means,

(i) street lighting,

(ii)

- (ii) distribution of water,
 - (iii) the collection, removal and disposal of ashes or garbage or other refuse,
 - (iv) the collection and disposal of sewage and land drainage,
 - (v) fire protection, or
 - (vi) such other service or services that the Minister may, by order, determine;
- (c) "special area charge" means any charge in respect of the cost of operation, repair and maintenance of a service mentioned in clause *b* and includes any charge in respect of depreciation, deferred maintenance or a reserve fund for any such purpose.

Consolidation
of defined
areas and
service area
charges

- (2) Notwithstanding the provisions of this Act or any other general or special Act, where two or more defined areas in respect of a particular service are located in an area municipality, the council of the area municipality may, by by-law, consolidate two or more such defined areas and levy a special area charge in respect of the costs of the service.

R.S.O. 1970,
c. 406, s. 133,
repealed

- 6.** Section 133 of *The Regional Municipality of Niagara Act* is repealed.

R.S.O. 1970,
c. 406, s. 153,
repealed

- 7.** Section 153 of *The Regional Municipality of Niagara Act* is repealed.

R.S.O. 1970,
c. 406, s. 154,
amended

- 8.** Section 154 of *The Regional Municipality of Niagara Act* is amended by adding thereto the following subsection:

Application
of R.S.O. 1970,
c. 284, s. 373,
par. 1

- (9) Paragraph 1 of section 373 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

R.S.O. 1970,
c. 406, s. 158,
amended

- 9.** Section 158 of *The Regional Municipality of Niagara Act* is amended by inserting after "employee" in the second line "including a member of the Niagara Regional Police Force", so that the section shall read as follows:

Payment of
damages to
employees

158. Where in an action or by the settlement of a claim arising out of an injury to an employee, including a member of the Niagara Regional Police Force, or to any person deemed an employee for the purposes of *The Workmen's Compensation Act* the Regional Corporation recovers damages from a third person,

R.S.O. 1970,
c. 505

such

such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose.

10. Subsections 3 and 4 of section 174 of *The Regional Municipality of Niagara Act* are repealed and the following substituted therefor: R.S.O. 1970, c. 406, s. 174, subss. 3, 4, re-enacted

- (3) Where, on the 31st day of December, 1969, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue until such date as the Minister may by order designate to distribute and sell power within such area. Distribution of electrical power
- (4) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2, including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until such date as the Minister may by order designate and in addition to such members, the mayor elected for the area municipality in which such a commission operates shall also be a member of such commission. Members of commissions continued in office

11.—(1) This Act, except section 9, comes into force on the day it receives Royal Assent. Commencement

(2) Section 9 shall be deemed to have come into force on the 1st day of January, 1971. Idem

12. This Act may be cited as *The Regional Municipality of Niagara Amendment Act, 1971*. Short title

CHAPTER 78

The Provincial Parks Municipal Tax Assistance Act, 1971

Assented to July 23rd, 1971

Legislature Dissolved September 13th, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Department" means the Department of Municipal Affairs;
- (b) "municipality" means a city, town, village, township or improvement district;
- (c) "provincial park" means a provincial park or part thereof as determined under section 2.

2.—(1) Subject to section 6, the Minister of Lands and Forests shall annually, on or before the 1st day of February, determine and advise the Department of,

Determina-
tion by
Minister of
Lands and
Forests

- (a) the names of those municipalities in which there was located on the next preceding 1st day of January one or more provincial parks or any part thereof;
- (b) the number of acres to the nearest whole acre in each provincial park or a part thereof so located within each such municipality.

(2) For the purposes of this Act, notwithstanding subsection 5 of section 3 of *The Provincial Parks Act*, any land set apart as a provincial park or added thereto shall be deemed not to be separated from the municipality of which it formed a part immediately before it became a provincial park or a part thereof.

Parks
deemed not
separated
from muni-
cipalities
R.S.O. 1970,
c. 371

(3) The determination of the Minister of Lands and Forests under subsection 1 is final.

Determina-
tion final

Payments

3. Commencing with the year 1971, the Department may pay in each year to a municipality in which there is one or more provincial parks,

(a) \$5 per acre for each of the first 100 acres of each such park and \$2 per acre for each acre in excess of 100 acres in each such park to a maximum of 10,000 acres; or

(b) \$100,

whichever is the greater.

Municipal
assessment
deemed
increased

4. The assessment of a municipality that receives a payment under section 3 that is used for apportioning,

R.S.O. 1970,
c. 32

(a) a county rate under section 73 of *The Assessment Act*;

R.S.O. 1970,
c. 295

(b) a metropolitan levy under section 214 of *The Municipality of Metropolitan Toronto Act*, except a levy for public or secondary school purposes;

R.S.O. 1970,
cc. 407, 406,
408

(c) a regional levy under section 92 of *The Regional Municipality of Ottawa-Carleton Act*, section 119 of *The Regional Municipality of Niagara Act*, or section 114 of *The Regional Municipality of York Act*; or

R.S.O. 1970,
c. 131

(d) a district levy under section 92 of *The District Municipality of Muskoka Act*,

shall be deemed to be increased by an amount that would have produced the amount of the payment received by the taxation of real property at the rate applicable to residential and farm property in the preceding year for all purposes other than school purposes.

Moneys

5. The moneys required for the purposes of this Act are payable out of such moneys as may be appropriated therefor by the Legislature.

Determina-
tion for
1971

6. The annual determination required under section 2 shall be made for the purpose of payments in 1971 as soon as is practicable after the coming into force of this Act.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Provincial Parks Municipal Tax Assistance Act, 1971*.

CHAPTER 79

An Act to amend The Assessment Act

Assented to July 23rd, 1971
Legislature Dissolved September 13th, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *m* of section 1 of *The Assessment Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 32, s. 1,
cl. *m*,
re-enacted

(*m*) "locality", except in section 38, means a public school section, a separate school zone or a secondary school district that comprises or includes territory without municipal organization and includes the board of any of them.

2. Paragraph 19 of section 3 of *The Assessment Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 32, s. 3,
par. 19,
re-enacted

19. The buildings, plant and machinery in, on or under mineral land only to the extent and in the proportion that such buildings, plant and machinery are used for obtaining minerals from the ground, and the minerals in, on or under such land other than diatomaceous earth, limestone, marl, peat, clay, building stone or stone for ornamental or decorative purposes or non-auriferous sand or gravel, but not including a concentrator or smelter of ore or metals.

Mineral land
and minerals

3.—(1) Subsection 7 of section 27 of *The Assessment Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 32, s. 27,
subs. 7,
re-enacted

(7) Land used as woodlands or orchards shall not be assessed at a greater value by reason of the presence of the trees thereon nor shall it be assessed at a lesser value by reason of the removal of the trees.

Woodlands
or orchards

(2) The said section 27 is amended by adding thereto the following subsection:

R.S.O. 1970,
c. 32, s. 27,
amended

Interpre-
tation,
orchards

- (9) In subsection 7, "orchards" means lands having an area of at least one-half acre on which there are at least thirteen fruit trees and on which the number of fruit trees bears a proportion to the area of at least twenty-six fruit trees per acre, of one or more of the following kinds: apple, cherry, grape vine, peach, apricot, pear, plum, and such other fruit-producing trees, shrubs or vines as may be designated by order in council.

R.S.O. 1970,
c. 32, s. 28,
subs. 1,
re-enacted

4. Subsection 1 of section 28 of *The Assessment Act* is repealed and the following substituted therefor:

Profits
from mines

- (1) The profits from a mine or mineral work shall be assessed by, and the tax leviable thereon shall be paid to, the municipality in which the mine or mineral work is situate, provided that the assessment on each oil or gas well operated at any time during the year shall be at least \$20.

R.S.O. 1970,
c. 32, s. 33,
subs. 5,
re-enacted

5. Subsection 5 of section 33 of *The Assessment Act* is repealed and the following substituted therefor:

Adjustment
of assess-
ment

- (5) Subject to subsection 5a, the Department shall in each year in each municipality adjust the assessment of pipe lines determined under subsection 4 so that such assessment shall be on the same basis as the assessment made of other lands in the municipality in the year the table of rates applicable to such pipe lines comes into effect.

Idem

- (5a) In any year in which lands generally in a municipality are assessed differently from the preceding year, the Department shall adjust the assessment of pipe lines in such municipality determined under subsection 4 so that such assessment shall be on the same basis as the assessment of other lands in the municipality made in that year.

R.S.O. 1970,
c. 32, s. 39,
repealed

6. Section 39 of *The Assessment Act* is repealed.

R.S.O. 1970,
c. 32, s. 42,
amended

7. Section 42 of *The Assessment Act* is amended by adding thereto the following subsection:

"Omitted"
defined

- (4) For the purposes of this section, "omitted" includes the invalidation or setting aside of an assessment by any court or assessment tribunal on any ground except that the land is not liable to taxation.

8.—(1) Clause *a* of subsection 1 of section 43 of *The Assessment Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 32, s. 43,
subss. 1, cl. *a*,
re-enacted

- (a) the value or increase in value, as the case requires, as certified by the assessment commissioner, of any building or portion of a building as determined by section 27 that before or after the 1st day of January is erected, altered or enlarged and that after the 1st day of January becomes occupied.

(2) Subsections 2 and 3 of the said section 43 are repealed and the following substituted therefor:

R.S.O. 1970,
c. 32, s. 43,
subss. 2, 3,
re-enacted

- (2) Where an entry is made in the collector's roll under this section, the amount of the taxes to be levied thereon shall be a portion of the amount of taxes that would have been levied for the current year if the assessment had been made in the usual way, and that portion shall be in the ratio that the number of months remaining in the current year after the month in which the liability to taxation commences under subsection 1 bears to the number 12, and shall be entered on the collector's roll and collected in the same manner as if the assessment had been made in the usual way.

Amount of
taxes

- (3) Where the amount of a business assessment is entered in the collector's roll under clause *c* of subsection 1, the real property with respect to which such business assessment is computed is, from the time the land is occupied or used for any business purpose mentioned in section 7, liable to taxation at the rate levied under subsection 2 of section 302 of *The Municipal Act*, and the clerk of the municipality shall amend the collector's roll accordingly.

Rates for
commercial
property
added to
roll

9.—(1) Subsections 2 and 3 of section 46 of *The Assessment Act* are repealed and the following substituted therefor:

R.S.O. 1970,
c. 32, s. 46,
subss. 2, 3,
re-enacted

- (2) In any year the assessment may be taken in different municipalities, or in different areas within a municipality, at different times as determined by the assessment commissioner, and, when the assessment is taken in different areas at different times, separate assessment rolls shall be prepared for such areas and the rolls of such municipalities and areas may be returned at the times determined by the assessment commissioner but in no case later than the 1st day of October.

Assessment
by muni-
cipalities and
areas in
assessment
region

Publication
of notice

(3) Where the assessment commissioner proceeds under subsection 2, he shall cause to be published not later than the 10th day of February in a daily or weekly newspaper that in his opinion has such circulation within the municipality as to provide reasonable notice to persons affected thereby, a notice setting forth,

(a) when the assessment of the whole municipality is to be taken at a different time, the time within which the assessment will be taken and the time for the return of the assessment roll;

(b) when the assessment is to be taken in different areas within a municipality at different times,

(i) that the assessment in the municipality will be taken in different areas at different times,

(ii) the different areas to be assessed, and

(iii) the time for assessment and return of the assessment roll in each of the areas,

and shall forthwith deliver a copy of such notice to the clerk of the municipality.

R.S.O. 1970,
c. 32, s. 46,
subs. 4,
re-enacted

(2) Subsection 4 of the said section 46 is repealed and the following substituted therefor:

Extension
of time for
return of
roll

(4) Where in any year it appears that the assessment roll of a municipality or the assessment roll of an area within a municipality will not be or has not been returned to the clerk of the municipality by the 1st day of October or at the time determined by the assessment commissioner under subsection 2, the Minister may extend the time for the return of the assessment roll for such period as appears necessary, provided that, when such an extension is made, the time for closing the Assessment Review Court for that year shall be extended for a period corresponding to that for which the time for return of the assessment roll has been extended.

R.S.O. 1970,
c. 32, s. 52,
subss. 1-4,
re-enacted

10. Subsections 1, 2, 3 and 4 of section 52 of *The Assessment Act* are repealed and the following substituted therefor:

(1)

- (1) Any person complaining of an error or omission in regard to himself, as having been wrongly inserted in or omitted from the roll or as having been undercharged or overcharged by the assessor in the roll, may personally or by his agent give notice in writing to the regional registrar of the Assessment Review Court that he considers himself aggrieved for any or all of such causes, and shall give a name and address where notices can be served by the regional registrar as provided by subsection 4. Notice of complaint, by person aggrieved
- (2) Any person including a municipality or a school board may, within the time limited by subsection 3, give notice in writing, by other person
- (a) to the regional registrar of the Assessment Review Court; and
- (b) to any other person whose assessment is complained of,

complaining that any other person has been assessed too low or too high or has been wrongly inserted or omitted from the roll and shall give a name and address where notices can be served on him and on any such other person by the regional registrar as provided by subsection 4, and the matter shall be decided in the same manner as complaints by a person assessed with regard to his own assessment.

- (3) A notice of complaint, Time for giving notice
- (a) to the regional registrar under subsection 1 or 2, shall be mailed to him by ordinary mail; and
- (b) to any other person whose assessment is complained of, shall be mailed to him by registered mail,

within fourteen days after the day upon which the roll is required by law to be returned, or within fourteen days after the return of the roll in case the roll is not returned within the time fixed for that purpose, and the regional registrar shall immediately transmit a copy of all notices received by him to the assessment commissioner.

- (4) The regional registrar shall give to the assessment commissioner and the clerk of the municipality and to all persons complaining and all persons whose Notice of hearing

assessment

assessment is complained of notice of any hearing by the Assessment Review Court at least fourteen days before the date fixed for the hearing in the following form:

Take notice that the Assessment Review Court will sit
at.....on the.....day of.....

in the matter of a complaint.

The complaint has been made by.....

and states that.....

(Signed)

Regional Registrar.

R.S.O. 1970,
c. 32, s. 55,
subs. 2,
re-enacted

11. Subsection 2 of section 55 of *The Assessment Act* is repealed and the following substituted therefor:

Notice of
appeal

- (2) A notice of appeal to the county judge shall, within fourteen days of the mailing of the notice under subsection 14 of section 52, be sent by the party appealing by registered mail to the regional registrar who shall forthwith mail a copy of such notice to the persons to whom notice was given under such subsection 14.

R.S.O. 1970,
c. 32, s. 72,
subs. 1,
re-enacted

12.—(1) Subsection 1 of section 72 of *The Assessment Act* is repealed and the following substituted therefor:

Apportion-
ment of
county rates

- (1) Subject to subsection 5, the council of a county, in apportioning a county rate among the different townships, towns and villages within the county, shall apportion the county rate in the same proportions as the last apportionment made for county purposes as adjusted in accordance with the alterations made to the assessment rolls of the municipalities pursuant to section 86.

R.S.O. 1970,
c. 32, s. 72,
subs. 2,
repealed

- (2) Subsection 2 of the said section 72 is repealed.

R.S.O. 1970,
c. 32, s. 72,
subs. 3,
re-enacted

- (3) Subsection 3 of the said section 72 is repealed and the following substituted therefor:

- (3) Where, in the year preceding the year in which an apportionment is to be made, a municipality has received or becomes entitled to a payment in lieu of taxes from the Crown in right of Canada, except payments received under an agreement with the Government of Canada authorized by *The Municipal Act* to relieve a tenant or user of land owned by the Crown from taxes or payment for municipal services, or from the Crown in right of Ontario or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario, except payments received under section 13 of *The Ottawa River Water Powers Act, 1943*, an amount shall be determined by adjusting the valuations of the properties for which such payments are made by the application of the last equalization factor determined under section 71.
- Valuations on which payment in lieu of taxes paid to be added
R.S.O. 1970, c. 284
1943, c. 21

13. *The Assessment Act* is amended by adding thereto the following sections:

R.S.O. 1970, c. 32, amended

85. Subject to the alterations, amendments and corrections authorized by this Act, for the purposes of any general or special Act, the assessment roll of every municipality prepared for the year 1970 for taxation in 1971 shall be the assessment roll of the municipality in the years 1971 to and including 1974 and the assessments of all real property as set forth on the 1970 assessment roll shall be the assessments of the real property and the assessment commissioner of a municipality shall not cause to be prepared a new assessment roll for the municipality until the year 1974 for taxation in 1975.
- Assessment roll for years 1970-74
- 86.—(1) The assessment commissioner of the municipality shall certify to the clerk of the municipality the values of any assessments to be altered, amended or corrected on the assessment roll and he shall provide the clerk,
- Clerk to be notified of alterations to be made to roll, etc.
- (a) with a description of any subdivisions of land or parcels of land as required by paragraphs 2 and 3 of subsection 2 of section 17 to be separately assessed on the assessment roll sufficient to identify the lands; and
- (b) before the 1st day of September in each year, with the particulars referred to in paragraphs 2, 4, 5, 6, 7, 19 and 20 of subsection 1 of section 17 and section 18.

Alterations
to be made by
clerk in
assessment
roll

- (2) The assessment roll of every municipality shall be altered, amended and corrected by the clerk of the municipality to account for,
- (a) the additions to the assessment made pursuant to sections 42 and 44;
 - (b) any annexation order made by the Ontario Municipal Board;
 - (c) any order of an administrative tribunal or a court made pursuant to this Act;
 - (d) any alteration to the value of an assessment required by clause *e* of subsection 1 of section 7 and section 84;
 - (e) the addition or deletion of the name of any person in the municipality who becomes or ceases to be liable to assessment;
 - (f) the separate assessment of subdivisions or parcels of lands required to be separately assessed pursuant to paragraphs 2 and 3 of subsection 2 of section 17.

Assessment
roll to be
altered to
reflect
alterations
in collector's
roll

- (3) The assessment roll of every municipality shall be altered, amended and corrected by the clerk of the municipality by the 30th day of September of each year to make it accord with and reflect any alteration made to the collector's roll during the year pursuant to the provisions of sections 42 and 43, clauses *a*, *b*, *c*, *e* and *f* of subsection 1 of section 76, subsection 8 of section 76 and section 77 of this Act and section 547 of *The Municipal Act*.

R.S.O. 1970,
c. 284

Notice of
alterations
to persons
assessed

- (4) Where an alteration or amendment is made to the assessment roll pursuant to clause *e* or *f* of subsection 2, the clerk of the municipality shall, before the alteration or amendment is made to the assessment roll, deliver as provided for notices of assessment in subsections 2 and 3 of section 40 to the person assessed a notice of assessment, and the same right of appeal lies as if the assessment had been made in the usual way.

No amend-
ment to roll
until increase
at least
\$2,500

87. No amendment shall be made to the assessment or collector's roll pursuant to section 42, 43 or 44 by reason of an increase in value to land because a

building

building has been erected, altered or enlarged until the increase in value is at least in the sum of \$2,500 at market value or, if the assessment in the municipality is at less than market value, at an equivalent value.

- 88.—(1) The time for bringing a complaint under section 52 with respect to an assessment on the assessment roll shall be at any time not later than the 31st day of October in any year and not as prescribed in section 52. Time for complaint
- (2) The clerk of every municipality shall cause to be published not later than the 1st day of October in each year in a daily or weekly newspaper that in his opinion has such circulation within the municipality as to provide reasonable notice to persons affected thereby a notice setting forth, Publication of notice
- (a) that any complaint with respect to an assessment on the assessment roll may be brought to the Assessment Review Court pursuant to section 52;
 - (b) that the assessment roll may be inspected at the municipal offices during business hours;
 - (c) that notice of any complaint under subsection 1 or 2 of section 52 shall be mailed by ordinary mail to the regional registrar and by registered mail to any other person whose assessment is complained of not later than the 31st day of October; and
 - (d) the address of the regional registrar of the Assessment Review Court.
- (3) The Assessment Review Court shall hear and dispose of all appeals in each municipality by the 31st day of December in each year and the assessment roll when corrected and revised by the Assessment Review Court and certified by the regional registrar shall be for all purposes the last revised assessment roll of the municipality. Last revised assessment roll
89. In every municipality, the rate of taxation for each year shall be fixed and levied on the assessment according to the last revised assessment roll. Rate to be levied on last revised assessment roll

Powers
on appeal

90. The Assessment Review Court, county judge, Ontario Municipal Board or any court, in determining the value at which any real property shall be assessed in any complaint, appeal, proceeding or action, shall have reference to the value at which similar real property in the vicinity is assessed, and the amount of any assessment of real property shall not be altered unless the Assessment Review Court, judge, Board or court is satisfied that the assessment is inequitable with respect to the assessment of similar real property in the vicinity, and in that event the assessment of the real property shall not be altered to any greater extent than is necessary to make the assessment equitable with the assessment of such similar real property.

Time for
action or
proceeding

91. Notwithstanding section 67, a proceeding or action may be brought in a court pursuant to section 66 or 67 at any time but the court may only alter an assessment to affect taxes fixed, levied and payable with respect to such assessment in the year in which the action or proceeding is commenced and any subsequent year.

Assessments
generally
made in 1971
inoperative

92. No assessment taken in any municipality under subsection 1 or 2 of section 46 in the year 1971 shall be used for purposes of taxation and no appeal, complaint, action or proceeding shall lie, be brought, maintained or continued with respect to any such assessment.

Application

93. Sections 85, 89 and 91, and section 87 in so far as it relates to an addition to the assessment or collector's roll under section 42 or 43, cease to be in force on the 1st day of January, 1975.

Idem

94. Sections 86 and 88, and section 87 in so far as it relates to an amendment made to the assessment roll under section 44, cease to be in force on the 1st day of January, 1974.

Idem

95. Section 90 ceases to be in force on the 1st day of October, 1974, but shall continue in force for the purpose of any pending complaint, appeal, proceeding or action which will affect taxes for the years 1971 to and including 1974.

Sections
cease to
be in force

96. The following provisions of *The Assessment Act* cease to be in force on the day this section comes into force, remain inoperative until the 1st day of January, 1974 and come into force on the 1st day of January, 1974:

1. Subsection 1 of section 17.
2. Section 23.
3. Subsection 6 of section 33.
4. Subsection 4 of section 38.
5. Section 46.
6. Subsections 1, 2, 3, 4 and 5 of section 47.
7. Section 48.
8. Section 71.

14.—(1) This Act, except sections 1, 2, 4, 5, 8 and 9, ^{Commence-}_{ment} comes into force on the day it receives Royal Assent.

(2) Sections 1, 2, 4 and 8 shall be deemed to have ^{Idem} come into force on the 1st day of January, 1971.

(3) Sections 5 and 9 come into force on the 1st day of ^{Idem} January, 1974.

15. This Act may be cited as *The Assessment Amendment* ^{Short title} *Act, 1971*.

CHAPTER 80

An Act to amend The Municipality of Metropolitan Toronto Act

*Assented to July 23rd, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 2 of section 24 of *The Municipality of Metropolitan Toronto Act* is amended by inserting after “includes” in the sixth line “a member of the Metropolitan Police Force and”, so that the clause shall read as follows:

R.S.O. 1970,
c. 295, s. 24,
subs. 2,
cl. a,
amended

- (a) In this subsection, “employee” means any salaried officer, clerk, workman, servant or other person in the employ of the Metropolitan Corporation or any local board thereof or of any area municipality or local board thereof, or of the Toronto and York Roads Commission, and includes a member of the Metropolitan Police Force and any person designated as an employee by the Minister.

Interpre-
tation

2. The definition of “employee” in clause *a* of subsection 2 of section 24 of *The Municipality of Metropolitan Toronto Act* as it existed on the day prior to the day on which this Act comes into force shall be deemed always to have included a member of the Metropolitan Police Force, but nothing in this section affects the rights acquired by any person from a judgment or order of any court prior to the day on which this Act comes into force or affects the outcome of any litigation or proceedings commenced on or before the 14th day of July, 1971.

Application

3. Subsection 2 of section 36 of *The Municipality of Metropolitan Toronto Act* is amended by inserting after “local” in the second line “or regional” and by adding at the end thereof “but where a local municipality is included in a regional municipality such contracts may only be entered into with the corporation of the regional municipality”, so that the subsection shall read as follows:

R.S.O. 1970,
c. 295, s. 36,
subs. 2,
amended

Sale to
other
municipalities

- (2) The Metropolitan Corporation may enter into a contract for the supply of water to any local or regional municipality outside the Metropolitan Area for its use or for resale to the inhabitants thereof for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time, but where a local municipality is included in a regional municipality such contracts may only be entered into with the corporation of the regional municipality.

R.S.O. 1970,
c. 295, s. 57,
subs. 2,
amended

4. Subsection 2 of section 57 of *The Municipality of Metropolitan Toronto Act* is amended by inserting after "local" in the second line "or regional", by inserting after "local" in the third line "or regional" and by adding at the end thereof "but where a local municipality is included in a regional municipality such contracts may only be entered into with the corporation of the regional municipality", so that the subsection shall read as follows:

Agreements
with other
municipalities

- (2) The Metropolitan Corporation may enter into a contract with any local or regional municipality outside the Metropolitan Area to receive and dispose of sewage and land drainage from the local or regional municipality on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time, but where a local municipality is included in a regional municipality such contracts may only be entered into with the corporation of the regional municipality.

R.S.O. 1970,
c. 295, s. 68,
subs. 1,
amended

5. Subsection 1 of section 68 of *The Municipality of Metropolitan Toronto Act* is amended by striking out "as may be agreed upon" in the sixth line and inserting in lieu thereof "or regional municipality on such terms and conditions as may be agreed upon" and by inserting after "county" in the eighth line "or regional municipality", so that the subsection shall read as follows:

Establishment of
metropolitan
road system

- (1) Subject to the approval of the Lieutenant Governor in Council, the Metropolitan Council shall by by-law establish a metropolitan road system in the Metropolitan Area by assuming roads in any area municipality and may include in the system such boundary line roads or portions thereof between the Metropolitan Area and an adjoining county or regional municipality on such terms and conditions as may be agreed upon between the Metropolitan Council and

the council of such county or regional municipality, and the by-law shall designate the roads to be assumed as metropolitan roads and intended to form the metropolitan road system.

6. Section 247 of *The Municipality of Metropolitan Toronto Act* is amended by inserting after "employee" in the second line "including a member of the Metropolitan Police Force", so that the section shall read as follows:

R.S.O. 1970,
c. 295, s. 247,
amended

247. Where in an action or by the settlement of a claim arising out of an injury to an employee, including a member of the Metropolitan Police Force, or to any person deemed an employee for the purposes of *The Workmen's Compensation Act* the Metropolitan Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Metropolitan Corporation may impose.

Payment of
damages to
employees

R.S.O. 1970,
c. 505

7. The Metropolitan Council may, to such extent as it thinks fit, pay the legal costs incurred by police officers in respect of the public inquiry held by the Metropolitan Board of Commissioners of Police during the period from the 5th day of January, 1970, to the 18th day of March, 1970, respecting allegations that officers of the Metropolitan Police Force or any of them had acted improperly in the performance of their duties.

Payment of
legal costs
of police
officers

8.—(1) The Metropolitan Council may pass by-laws for establishing that part of Yonge Street between the south limit of Gerrard Street and the north limit of Dundas Street or any part or parts thereof in the City of Toronto solely or principally as a pedestrian promenade for one eight-day period in the year 1971, and for prohibiting the use thereof by vehicles or any class thereof except to such extent and for such period or periods as may be specified and for permitting the use of the said part of Yonge Street and the obstruction thereof by such persons and in such manner and to such extent as the Metropolitan Council may consider desirable.

Pedestrian
promenade,
Yonge St.

(2) Notwithstanding the provisions of any general or special Act, no person shall be entitled to recover any damages or compensation from the Metropolitan Corporation or The Corporation of the City of Toronto for loss of business or for loss of access to or from Yonge Street arising from the

Right to
damages by
reason of
creation of
promenade

exercise

exercise by the Metropolitan Corporation of its powers under this section.

Commence-
ment

9.—(1) This Act, except section 6, comes into force on the day it receives Royal Assent.

Idem

(2) Section 6 shall be deemed to have come into force on the 1st day of January, 1957.

Short title

10. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1971 (No. 2)*.

CHAPTER 81

An Act to amend The Municipal Act*Assented to July 23rd, 1971**Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 304 of *The Municipal Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 284, s. 304,
subs. 1,
re-enacted

(1) Notwithstanding any general or special Act, the council of a local municipality designated by the Lieutenant Governor in Council, in which there is situate,

Universities,
etc., liable
to tax

(a) a university designated by the Lieutenant Governor in Council; or

(b) a college of applied arts and technology,

may pass by-laws to levy an annual tax payable on or after the 1st day of July upon such university or college, not exceeding the sum of \$25 a year for each full-time student enrolled in such university or college in the year preceding the year of levy, as determined by the Minister of Colleges and Universities.

(1a) For the purposes of subsection 1, the Ryerson Polytechnical Institute shall be deemed to be a college of applied arts and technology.

Ryerson
Polytechnical
Institute

(1b) Where the number of full-time students enrolled in the universities and colleges mentioned in subsection 1 exceeds 5 per cent of the population of the local municipality in which they are situate, according to the census of the municipality taken in the year preceding the year of levy under section 23 of *The*

Increased
rate of tax

R.S.O. 1970,
c. 32

Assessment Act, and where the total assessment as shown by the last revised assessment roll of all properties within the municipality that are exempt from taxation, other than properties in respect of which payments in lieu of taxes were received in the year preceding the year of levy, exceeds 20 per cent of the total assessment of all properties within the municipality the tax levied by that municipality may be increased to a sum not exceeding \$35 for each full-time student.

R.S.O. 1970,
c. 284, s. 304,
subs. 2,
amended

(2) Subsection 2 of the said section 304 is amended by adding at the end thereof "but sections 527 and 553 do not apply to such tax", so that the subsection shall read as follows:

How tax
collectable

(2) Any tax levied under a by-law passed under subsection 1 is collectable in the same manner as municipal taxes are collectable and is a special lien on the land under section 511, but sections 527 and 553 do not apply to such tax.

R.S.O. 1970,
c. 284, s. 352,
par. 64, cl. a,
subcl. i,
amended

2. Subclause i of clause *a* of paragraph 64 of section 352 of *The Municipal Act* is amended by inserting after "includes" in the third line "a member of the police force of the municipality and", so that the subclause shall read as follows:

(i) "employee" means any salaried officer, clerk, workman, servant or other person in the employ of the municipality or of a local board and includes a member of the police force of the municipality and any person or class of person designated as an employee by the Minister.

Application

3. The definition of "employee" in subclause i of clause *a* of paragraph 64 of section 352 of *The Municipal Act* as it existed on the day prior to the day on which this Act comes into force shall be deemed always to have included a member of a police force of a municipality, but nothing in this section affects the rights acquired by any person from a judgment or order of any court prior to the day on which this Act comes into force or affects the outcome of any litigation or proceedings commenced on or before the 20th day of July, 1971.

R.S.O. 1970,
c. 284, s. 383,
par. 15, cl. b,
subcl. iii,
amended

4. Subclause iii of clause *b* of paragraph 15 of section 383 of *The Municipal Act* is amended by adding at the end thereof "except that where a lot is to be made available only

for

for temporary occupancy by persons who continue to maintain elsewhere a usual or normal place of residence the licence fee shall be not more than \$5 per month”.

5. Subsection 2 of section 450 of *The Municipal Act* is amended by striking out “Municipal Board” in the third line and in the fifth line and inserting in lieu thereof in each instance “Minister”, so that the subsection shall read as follows:

R.S.O. 1970,
c. 284, s. 450,
subs. 2,
amended

- (2) No highway less than 66 feet in width or, except in a city or town, more than 100 feet in width shall be laid out by the council of the municipality without the approval of the Minister or by any owner of land without the approval of the council of the municipality and of the Minister.

Width of
highways

6.—(1) The Corporation of the City of Toronto may enter into agreements with Central Mortgage and Housing Corporation on such terms and conditions as may be agreed upon for the making of loans under the *National Housing Act* (Canada) in connection with the rehabilitation of properties in the city, and such agreements may include provision for the Corporation sharing with Central Mortgage and Housing Corporation the cost of subsidizing the rate of interest charged on loans made pursuant to such agreements.

Agreements
authorized

R.S.C. 1952,
c. 188

(2) Subsection 1 of section 293 of *The Municipal Act* does not apply so as to require the assent of the electors to any by-law authorizing an agreement entered into pursuant to this section.

R.S.O. 1970,
c. 284, s. 293,
subs. 1,
not
applicable

7. The council of The Corporation of the City of Sault Ste. Marie may pass by-laws for making grants in aid of any person whose property on Laurier Avenue in the City has suffered injury or damage as a result of soil subsidence.

Grants in
aid,
Sault Ste.
Marie

8. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

9. This Act may be cited as *The Municipal Amendment Act, 1971*.

Short title

CHAPTER 82

**An Act to Provide for the Registration of
Businesses engaged in the Distribution of
Paperback and Periodical Publications**

*Assented to July 28th, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) “business premises” does not include a dwelling;
- (b) “Director” means the Director of the Consumer Protection Division of the Department of Financial and Commercial Affairs;
- (c) “distributor” means a person who engages in the business of selling or distributing paperbacks or periodicals, or both, other than by sale by retail to an ultimate consumer;
- (d) “dwelling” means any premises or any part thereof occupied as living accommodation;
- (e) “equity share” means any share of any class of shares of a corporation carrying voting rights under all circumstances and any share of any class of shares carrying voting rights by reason of the occurrence of any contingency that has occurred and is continuing;
- (f) “Minister” means the Minister of Financial and Commercial Affairs;
- (g) “non-resident” means,
 - (i) an individual who is not a Canadian citizen,
 - (ii) an individual who is not ordinarily resident in Canada,

(iii)

- (iii) a corporation incorporated, formed or otherwise organized elsewhere than in Canada,
- (iv) a corporation that is controlled directly or indirectly by non-residents as defined in subclause i, ii or iii,
- (v) a trust established by a non-resident as defined in subclause i, ii, iii or iv, or a trust in which non-residents as so defined have more than 50 per cent of the beneficial interest, or
- (vi) a corporation that is controlled directly or indirectly by a trust mentioned in subclause v;
- (h) "paperback" means any printed matter other than a periodical that is published for general distribution to the public and that is not bound in a hard cover, and includes paperback books;
- (i) "periodical" means any printed matter that is published for general distribution to the public and that purports to be a copy of one publication in a series of publications at regular intervals, and that is not bound in a hard cover but does not include a periodic publication that is devoted primarily to conveying current news;
- (j) "person" means an individual, a partnership or a corporation or an association, syndicate or other organization of individuals;
- (k) "Registrar" means the Registrar of Paperback and Periodical Distributors of the Department of Financial and Commercial Affairs;
- (l) "resident" means a person, company or trust that is not a non-resident;
- (m) "Tribunal" means The Commercial Registration Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act*.

R.S.O. 1970,
c. 113

Application
of Act

- (2) This Act does not apply to,
 - (a) distributors in respect of the distribution of paperbacks or periodicals, or both, that are published, printed and distributed primarily in Canada; or
 - (b) persons whose principal business is the publication in Canada of books that are not paperbacks or periodicals.

(3) Nothing in this Act shall be construed to have the ^{Idem} effect of controlling, influencing or otherwise affecting the content of any paperback or periodical.

2.—(1) There shall be a Registrar of Paperback and ^{Registrar} Periodical Distributors who shall be appointed by the Lieutenant Governor in Council.

(2) The Registrar may exercise the powers and shall perform ^{Duties of Registrar} the duties conferred or imposed upon him by or under this Act under the supervision of the Director.

3.—(1) No person shall carry on business as a distributor ^{Registration of distributor} unless he is registered by the Registrar under this Act.

(2) Registration under this Act shall not be construed as ^{Effect of registration} approval of any matter in the conduct of the business of the registrant except those matters specifically provided for in this Act.

4.—(1) Subject to subsection 2, every person carrying on ^{Existing distributors deemed registered} business as a distributor immediately before the 14th day of June, 1971 shall be deemed to be registered under this Act.

(2) Every registration made under subsection 1 expires ^{Idem} on the 1st day of October, 1971 unless before that date an application for registration is made and the material required by the regulations is filed in the manner prescribed by the regulations, unless sooner revoked under section 5.

5.—(1) Subject to section 4, an applicant is entitled to ^{Entitlement to registration} registration by the Registrar except where,

- (a) the applicant fails to comply with section 8 or 9, as the case may be; or
- (b) the applicant fails to file the material required by the regulations.

(2) Subject to section 6, the Registrar may refuse to ^{Refusal to register} register an applicant where in the Registrar's opinion the applicant is disentitled to registration under subsection 1.

(3) Subject to section 6, the Registrar may revoke a ^{Revocation of registration} registration where the registrant fails to comply with any provision of this Act or the regulations.

6.—(1) Where the Registrar proposes to refuse to grant ^{Notice of proposal to refuse or revoke} or proposes to revoke a registration, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or registrant.

Notice
requiring
hearing

(2) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Tribunal and he may so require such a hearing.

Powers of
Registrar
where no
hearing

(3) Where an applicant or registrant does not require a hearing by the Tribunal in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1.

Powers of
Tribunal
where
hearing

(4) Where an applicant or registrant requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal, or refrain from carrying out his proposal and to take such action as the Tribunal considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Registrar.

Conditions
of order

(5) The Tribunal may attach such terms and conditions to its order or to the registration as it considers proper to give effect to the purposes of this Act.

Parties

(6) The Registrar, the applicant or registrant who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.

Voluntary
cancellation

(7) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration.

Order of
Tribunal
effective,
stay
R.S.O. 1970,
c. 113

(8) Notwithstanding that a registrant appeals from an order of the Tribunal under section 9b of *The Department of Financial and Commercial Affairs Act*, the order takes effect immediately but the Tribunal may grant a stay until disposition of the appeal.

Business
area

7.—(1) A registration authorizes the registrant to carry on business only in the area in Ontario determined by the Registrar and described in the certificate of registration issued by the Registrar and a registrant shall not carry on business outside the area so described.

Decision of
Registrar

(2) The Registrar may reduce the area applied for by the registrant where, in his opinion, not to do so would lessen or be

likely

likely to lessen competition unduly in respect of channels or methods of distribution, contrary to the public interest.

(3) Where the Registrar proposes to reduce the area applied for, subsections 1, 2, 3 and 6 of section 6 apply *mutatis mutandis*, in the same manner as to a proposal to revoke a registration. Notice, etc.

(4) An appeal lies from a decision of the Registrar under this section to the Minister whose decision is final and section 9b of *The Department of Financial and Commercial Affairs Act* does not apply. Appeal to Minister
R.S.O. 1970, c. 113

(5) Where an applicant requires a hearing under subsection 2 of section 6, the Tribunal shall hold a hearing and report to the Minister its finding of fact and recommendations. Hearing by Tribunal

8.—(1) Subject to subsection 2, no person who is not a corporation shall carry on business in Ontario as a distributor unless, Residency requirements for individual

(a) he is a resident ; or

(b) in the case of a partnership or an association, syndicate or organization of individuals, every member thereof is a resident.

(2) A person who is not a corporation and who was carrying on business as a distributor immediately before the 14th day of June, 1971 and who on that day is in contravention of subsection 1 may continue to carry on business, subject to section 4, if, Idem

(a) in the case of an individual, his interest or any part thereof is not transferred to or for the benefit of a non-resident ; or

(b) in the case of a partnership or an association, syndicate or organization of individuals, no person who is a non-resident is admitted as a member thereof.

9.—(1) No corporation shall carry on business in Ontario as a distributor if, Residency requirements re corporations

(a) the total number of equity shares of the corporation beneficially owned, directly or indirectly, by non-residents or over which non-residents exercise control or direction exceeds 25 per cent of the total number of issued and outstanding equity shares of the corporation ;

(b)

- (b) the total number of equity shares of the corporation beneficially owned, directly or indirectly, by a non-resident or over which he exercises control or direction, together with other shareholders associated with him, if any, exceeds 10 per cent of the total number of issued and outstanding equity shares of the corporation; or
- (c) the corporation is not incorporated by or under an Act of Ontario, Canada or any province of Canada.

Idem

(2) A corporation that was carrying on business as a distributor immediately before the 14th day of June, 1971 and that on that day is in contravention of subsection 1 may continue to carry on business, subject to section 4,

- (a) in the case of a contravention of clause *a* or *b* of subsection 1, if no transfer of equity shares or beneficial interest therein including their control or direction is made to a non-resident or person associated with him excepting when the result would be in compliance with clauses *a* and *b* of subsection 1; or
- (b) in the case of a contravention of clause *c* of subsection 1, until the 14th day of June, 1972, but a corporation incorporated after this Act comes into force and before the 14th day of June, 1972 by or under an Act of Ontario, Canada or a province of Canada may, notwithstanding clauses *a* and *b* of subsection 1, be registered in the place of the first mentioned corporation if the equity shares of the new corporation or beneficial interest therein, including their control or direction, held by non-residents are held directly or indirectly in the same manner as the equity shares of the first mentioned corporation, but where the new corporation is in contravention of clause *a* or *b* of subsection 1, clause *a* of this subsection applies.

Associated shareholder

(3) For the purposes of this section, a shareholder shall be deemed to be associated with another shareholder if,

- (a) one shareholder is a corporation of which the other shareholder is an officer or director;
- (b) one shareholder is a partnership of which the other shareholder is a partner;
- (c) one shareholder is a company that is controlled, directly or indirectly, by the other shareholder;

(d)

- (d) both shareholders are corporations and one shareholder is controlled, directly or indirectly, by the same individual or corporation that controls, directly or indirectly, the other shareholder;
- (e) both shareholders are members of a voting trust where the trust relates to shares of a corporation; or
- (f) both shareholders are associated within the meaning of clauses *a* to *e* with the same shareholder.

(4) For the purposes of this section, where an equity share of a corporation is held jointly and one or more of the joint holders thereof is a non-resident, the share shall be deemed to be held by a non-resident. ^{Shares held jointly}

10.—(1) The Registrar or any person designated by him in writing may at any reasonable time enter upon the business premises of the registrant to make an inspection to ensure that the provisions of this Act and the regulations are being complied with. ^{Inspection}

(2) Where the Registrar has reasonable and probable grounds to believe that any person is acting as a distributor while unregistered, the Registrar or any person designated by him in writing may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 3 or 9. ^{Idem}

(3) Upon an inspection under this section, the person inspecting, ^{Powers on inspection}

- (a) is entitled to free access to all books of account, documents, bank accounts, vouchers, correspondence and records of the person being inspected that are relevant for the purposes of the inspection; and
- (b) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

Admissibility
of copies

(4) Any copy made as provided in subsection 3 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original.

Investiga-
tions by
Director

11.—(1) Where, upon a statement made under oath, the Director believes on reasonable and probable grounds that any person has contravened any of the provisions of this Act or the regulations, the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulation or the commission of such an offence or such conduct has occurred and the person appointed shall report the result of his investigation to the Director.

Powers of
investigator

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may,

(a) upon production of his appointment, enter at any reasonable time the business premises of such person and examine books of account, papers, documents and things relevant to the subject-matter of the investigation; and

(b) inquire into negotiations, transactions, loans, borrowings made by or on behalf of or in relation to such person and into property, assets or things owned, acquired or alienated in whole or in part by him or any person acting on his behalf that are relevant to the subject-matter of the investigation,

and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

1971, c. 49

Obstruction
of
investigator

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books of account, papers, documents or things relevant to the subject-matter of the investigation.

Search
warrant

(4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and

that

that such person has been appointed to make it and that there is reasonable ground for believing there are, in any building, dwelling, receptacle or place any books of account, papers, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books of account, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night.

(5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books of account, papers, documents or things examined under clause *a* of subsection 2 or subsection 4 relating to the person whose affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books of account, papers or documents, but such copying shall be carried out with reasonable dispatch and the books of account, papers or documents in question shall be promptly thereafter returned to the person whose affairs are being investigated. Removal of books, etc.

(6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents. Admissibility of copies

(7) The Minister or Director may appoint any expert to examine books of account, papers, documents or things examined under clause *a* of subsection 2 or under subsection 4. Appointment of experts

12.—(1) Every person employed in the administration of this Act, including any person making an inquiry, inspection or an investigation under section 10 or 11 shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except, Matters confidential

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations; or

(b)

(b) to his counsel; or

(c) with the consent of the person to whom the information relates.

Testimony in
civil suit

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceedings with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act or the regulations.

Service

13.—(1) Any notice or order required to be given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department of Financial and Commercial Affairs.

Where
service
deemed
to be
made

(2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

Exception

(3) Notwithstanding subsections 1 and 2, the Tribunal may order any other method of service in respect of any matter before the Tribunal.

Restraining
orders

14.—(1) Where it appears to the Director that any person does not comply with any provision of this Act or the regulations, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application, the judge may make such order or such other order as the judge thinks fit.

Appeal

(2) An appeal lies to the Divisional Court from an order made under subsection 1.

Offences

15.—(1) Every person who, knowingly,

(a) furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations; or

(b)

- (b) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein. Corporations

(3) No proceedings under this section shall be instituted except with the consent of the Minister. Consent of Minister

(4) No proceeding under clause *a* of subsection 1 shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director. Limitation

(5) No proceeding under clause *b* of subsection 1 shall be commenced more than two years after the time when the subject-matter of the proceeding arose. Idem

16. A statement as to,

Certificate
as evidence

- (a) the registration or non-registration of any person;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or
- (d) any other matter pertaining to such registration, non-registration, filing or non-filing,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

17. The Lieutenant Governor in Council may make regulations, Regulations

- (a) providing for the registration of distributors;

(b)

- (b) requiring distributors to furnish such returns, reports or other information as is prescribed;
- (c) requiring any information required to be furnished or contained in any form or return to be verified by affidavit;
- (d) prescribing further procedures respecting the conduct of matters coming before the Tribunal;
- (e) providing for the responsibility for payment of witness fees and expenses in connection with proceedings before the Tribunal and prescribing the amounts thereof;
- (f) prescribing forms for the purposes of this Act and the regulations.

Commence-
ment

18. This Act shall be deemed to have come into force on the 14th day of June, 1971.

Short title

19. This Act may be cited as *The Paperback and Periodical Distributors Act, 1971*.

CHAPTER 83

The Human Tissue Gift Act, 1971

*Assented to July 28th, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation
- (a) "consent" means a consent given under this Act;
- (b) "physician" means a person registered under *The Medical Act*;

R.S.O. 1970,
c. 268
- (c) "tissue" includes an organ, but does not include any skin, bone, blood, blood constituent or other tissue that is replaceable by natural processes of repair;
- (d) "transplant" as a noun means the removal of tissue from a human body, whether living or dead, and its implantation in a living human body, and in its other forms it has corresponding meanings;
- (e) "writing" for the purposes of Part II includes a will and any other testamentary instrument whether or not probate has been applied for or granted and whether or not the will or other testamentary instrument is valid.

PART I

INTER-VIVOS GIFTS FOR TRANSPLANTS

2. A transplant from one living human body to another living human body may be done in accordance with this Act, but not otherwise.

Transplants
under Act
are lawful
- 3.—(1) Any person who has attained the age of majority, is mentally competent to consent, and is able to make a free and informed decision may in a writing signed by him

Consent for
transplant
- consent

consent to the removal forthwith from his body of the tissue specified in the consent and its implantation in the body of another living person.

Consent of
person
under age,
etc.

(2) Notwithstanding subsection 1, a consent given thereunder by a person who had not attained the age of majority, was not mentally competent to consent, or was not able to make a free and informed decision is valid for the purposes of this Act if the person who acted upon it had no reason to believe that the person who gave it had not attained the age of majority, was not mentally competent to consent, and was not able to make a free and informed decision, as the case may be.

Consent is
full authority
to proceed

(3) A consent given under this section is full authority for any physician,

(a) to make any examination necessary to assure medical acceptability of the tissue specified therein; and

(b) to remove forthwith such tissue from the body of the person who gave the consent.

Stale
consent
void

(4) If for any reason the tissue specified in the consent is not removed in the circumstances to which the consent relates, the consent is void.

PART II

POST MORTEM GIFTS FOR TRANSPLANTS AND OTHER USES

Consent by
person for
use of his
body after
death

4.—(1) Any person who has attained the age of majority may consent,

(a) in a writing signed by him at any time; or

(b) orally in the presence of at least two witnesses during his last illness,

that his body or the part or parts thereof specified in the consent be used after his death for therapeutic purposes, medical education or scientific research.

Where donor
under age

(2) Notwithstanding subsection 1, a consent given by a person who had not attained the age of majority is valid for the purposes of this Act if the person who acted upon it had no reason to believe that the person who gave it had not attained the age of majority.

(3) Upon the death of a person who has given a consent under this section, the consent is binding and is full authority for the use of the body or the removal and use of the specified part or parts for the purpose specified, except that no person shall act upon a consent given under this section if he has reason to believe that it was subsequently withdrawn.

Consent is full authority, exception

5.—(1) Where a person of any age who has not given a consent under section 4 dies, or in the opinion of a physician is incapable of giving a consent by reason of injury or disease and his death is imminent,

Consent by spouse, etc., for use of body after death

- (a) his spouse of any age ; or
- (b) if none or if his spouse is not readily available, any one of his children who has attained the age of majority ; or
- (c) if none or if none is readily available, either of his parents ; or
- (d) if none or if neither is readily available, any one of his brothers or sisters who has attained the age of majority ; or
- (e) if none or if none is readily available, any other of his next of kin who has attained the age of majority ; or
- (f) if none or if none is readily available, the person lawfully in possession of the body other than, where he died in hospital, the administrative head of the hospital,

may consent,

- (g) in a writing signed by the spouse, relative or other person ; or
- (h) orally by the spouse, relative or other person in the presence of at least two witnesses ; or
- (i) by the telegraphic, recorded telephonic, or other recorded message of the spouse, relative or other person,

to

to the body or the part or parts thereof specified in the consent being used after death for therapeutic purposes, medical education or scientific research.

Prohibition

(2) No person shall give a consent under this section if he has reason to believe that the person who died or whose death is imminent would have objected thereto.

Consent
is full
authority,
exceptions

(3) Upon the death of a person in respect of whom a consent was given under this section the consent is binding and is, subject to section 6, full authority for the use of the body or for the removal and use of the specified part or parts for the purpose specified except that no person shall act on a consent given under this section if he has actual knowledge of an objection thereto by the person in respect of whom the consent was given or by a person of the same or closer relationship to the person in respect of whom the consent was given than the person who gave the consent.

Person
lawfully in
possession
of body,
exceptions

(4) In subsection 1, "person lawfully in possession of the body" does not include,

R.S.O. 1970,
c. 87

(a) the supervising coroner or a coroner in possession of the body for the purposes of *The Coroners Act*;

R.S.O. 1970,
c. 99

(b) the Public Trustee in possession of the body for the purpose of its burial under *The Crown Administration of Estates Act*;

(c) an embalmer or funeral director in possession of the body for the purpose of its burial, cremation or other disposition; or

(d) the superintendent of a crematorium in possession of the body for the purpose of its cremation.

Coroner's
direction

6. Where in the opinion of a physician, the death of a person is imminent by reason of injury or disease and the physician has reason to believe that section 7, 22 or 23 of *The Coroners Act* may apply when death does occur and a consent under this Part has been obtained for a *post mortem* transplant of tissue from the body, a coroner having jurisdiction, notwithstanding that death has not yet occurred, may give such directions as he thinks proper respecting the removal of such tissue after the death of the person, and every such direction has the same force and effect as if it had been made after death under section 9 of *The Coroners Act*.

7.—(1) For the purposes of a *post mortem* transplant, the fact of death shall be determined by at least two physicians in accordance with accepted medical practice. ^{Determination of death}

(2) No physician who has had any association with the proposed recipient that might influence his judgment shall take any part in the determination of the fact of death of the donor. ^{Prohibition}

(3) No physician who took any part in the determination of the fact of death of the donor shall participate in any way in the transplant procedures. ^{Idem}

(4) Nothing in this section in any way affects a physician in the removal of eyes for cornea transplants. ^{Exception}

8. Where a gift under this Part cannot for any reason be used for any of the purposes specified in the consent, the subject-matter of the gift and the body to which it belongs shall be dealt with and disposed of as if no consent had been given. ^{Where specified use fails}

PART III

GENERAL

9. No action or other proceeding for damages lies against any person for any act done in good faith and without negligence in the exercise or intended exercise of any authority conferred by this Act. ^{Civil liability}

10. No person shall buy, sell or otherwise deal in, directly or indirectly, for a valuable consideration, any tissue for a transplant, or any body or part or parts thereof other than blood or a blood constituent, for therapeutic purposes, medical education or scientific research, and any such dealing is invalid as being contrary to public policy. ^{Sale, etc., of tissue prohibited}

11.—(1) Except where legally required, no person shall disclose or give to any other person any information or document whereby the identity of any person, ^{Disclosure of information}

(a) who has given or refused to give a consent ;

(b) with respect to whom a consent has been given ; or

(c) into whose body tissue has been, is being or may be transplanted,

may become known publicly.

- Exception (2) Where the information or document disclosed or given pertains only to the person who disclosed or gave the information or document, subsection 1 does not apply.
- Lawful dealings not affected, exception **12.** Any dealing with a body or part or parts thereof that was lawful before this Act came into force shall, except as provided in this Act, continue to be lawful.
- Offence **13.** Every person who knowingly contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than six months, or to both.
- R.S.O. 1970, c. 87 not affected **14.** Except as provided in section 6, nothing in this Act affects the operation of *The Coroners Act*.
- Transitional provision 1962-63, c. 59 **15.** A request made or an authorization given under *The Human Tissue Act, 1962-63* before this Act came into force may be acted upon in accordance with that Act notwithstanding the repeal of that Act.

PART IV

MISCELLANEOUS

- R.S.O. 1970, c. 214, repealed **16.** *The Human Tissue Act* is repealed.
- Commence-ment **17.** This Act comes into force on the day it receives Royal Assent.
- Short title **18.** This Act may be cited as *The Human Tissue Gift Act, 1971*.

CHAPTER 84

An Act to amend The Insurance Act

*Assented to July 28th, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 12 of section 1 of *The Insurance Act* is amended by striking out “or with guarantee capital stock subject to repayment by the corporation, in respect of which the dividend rate is limited by its Act or instrument of incorporation” in the second, third, fourth and fifth lines, so that the paragraph shall read as follows:

R.S.O. 1970,
c. 224, s. 1,
par. 12,
amended

12. “cash-mutual corporation” means a corporation without share capital that is empowered to undertake insurance on both the cash plan and the mutual plan.

(2) Paragraph 42 of the said section 1 is amended by striking out “or with guarantee capital stock subject to repayment by the corporation, in respect of which the dividend rate is limited by its Act or instrument of incorporation” in the second, third, fourth and fifth lines, so that the paragraph shall read as follows:

R.S.O. 1970,
c. 224, s. 1,
par. 42,
amended

42. “mutual corporation” means a corporation without share capital that is empowered to undertake mutual insurance exclusively.

2. Subsection 2 of section 24 of *The Insurance Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 224, s. 24,
subs. 2,
re-enacted

(2) Subject to the provisions of the Parts of this Act that particularly relate to the classes of insurers mentioned in section 23, a licence may be granted to an insurer to carry on any one or more of the classes of insurance defined in section 1 or as are prescribed by the regulations made under subsection 1 of this section.

Licence to
carry on
insurance
business

R.S.O. 1970,
c. 224, s. 28,
subs. 2,
amended

3. Subsection 2 of section 28 of *The Insurance Act* is amended by inserting after "Lloyds" in the fifth line "not licensed on the 30th day of June, 1971", so that the subsection shall read as follows:

Idem

- (2) A licence shall not be granted to a mutual insurance corporation, a cash-mutual insurance corporation, an insurance company mentioned in paragraph 6 of subsection 1 of section 23, a reciprocal or inter-insurance exchange, or to an underwriter or syndicate of underwriters operating on the plan known as Lloyds not licensed on the 30th day of June, 1971, except upon proof that the net surplus of assets over all liabilities exceeds the amount fixed by subsection 1 for the paid in capital stock of joint stock insurance companies, and that such net surplus of assets over all liabilities together with the contingent liability of members, if any, exceeds the amount fixed by subsection 1 for the subscribed and allotted capital stock of joint stock insurance companies for the respective classes of insurance mentioned therein.

R.S.O. 1970,
c. 224, s. 84,
subs. 7,
amended

4. Subsection 7 of section 84 of *The Insurance Act* is amended by adding at the end thereof "but clause *c* of section 385 applies to each separate and distinct fund as if the total assets of each such fund were the total assets of the insured", so that the subsection shall read as follows:

Exception
from
investment
limitations

- (7) Where a separate and distinct fund is maintained under subsection 1, the percentage limits specified in clauses *e* and *f* of section 385 do not apply to the investments and loans constituting the assets of the fund and in the application of those limits to the insurer as a whole the assets of any such separate fund shall not be taken into account, but clause *c* of section 385 applies to each separate and distinct fund as if the total assets of each such fund were the total assets of the insured.

R.S.O. 1970,
c. 224, s. 95,
subs. 3,
amended

5. Subsection 3 of section 95 of *The Insurance Act* is amended by adding thereto the following clause:

- (aa) amending or altering the terms, conditions, provisions, exclusions and limits set forth in Schedule E.

R.S.O. 1970,
c. 224, s. 127,
subs. 2,
amended

6. Subsection 2 of section 127 of *The Insurance Act* is amended by striking out "without guarantee capital stock" in the third and fourth lines so that the subsection shall read as follows:

- (2) No licensed insurer shall carry on, on the premium note plan, any class of insurance other than fire, livestock and weather insurance, but a mutual insurance company, incorporated for the purpose of undertaking contracts of fire insurance on the premium note plan, may also insure for the classes of insurance as specified in subsection 13 of section 169 of *The Corporations Act*. Insurance on premium note plan
R.S.O. 1970, c. 89

7. Subsection 4 of section 139 of *The Insurance Act* is amended by striking out "without guarantee capital stock" in the first and second lines, so that the subsection shall read as follows: R.S.O. 1970, c. 224, s. 139, subs. 4, amended

- (4) A mutual insurance corporation incorporated under subsection 3 of section 168 of *The Corporations Act* shall be deemed to be an insurer of the same class under subsection 1 and under subsection 4 of section 140. Mutual insurance corporations

8. Subsection 5 of section 140 of *The Insurance Act* is amended by striking out "without guarantee capital stock" in the first and second lines and in the sixth and seventh lines, so that the subsection shall read as follows: R.S.O. 1970, c. 224, s. 140, subs. 5, amended

- (5) No mutual insurance corporation incorporated to transact fire insurance on the premium note plan shall undertake contracts of weather insurance unless all liability for loss in excess of \$100 on any risk covered by weather insurance is reinsured with a licensed weather company or a mutual insurance corporation incorporated pursuant to subsection 3 of section 168 of *The Corporations Act*. Reinsurance re weather insurance

9. Section 143 of *The Insurance Act* is repealed.

R.S.O. 1970, c. 224, s. 143, repealed

10. Clause *b* of section 199 of *The Insurance Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 224, s. 199, cl. b, re-enacted

- (b) "insured" means a person insured by a contract whether named or not and includes any person who is stated in a contract to be entitled to benefits payable under the insurance mentioned in subsection 1 of section 231 and subsection 1 of section 232, whether described therein as an insured person or not.

11. Section 201 of *The Insurance Act* is amended by adding thereto the following subsections: R.S.O. 1970, c. 224, s. 201, amended

Standard
owner's
policy

- (5a) The Superintendent may approve a form of owner's policy containing insuring agreements and provisions in conformity with this Part for use by insurers in general, and which, for the purposes of section 203, shall be the standard owner's policy.

Publication

- (5b) Where the Superintendent approves the form referred to in subsection 5a, he shall cause a copy of this form to be published in *The Ontario Gazette* but it is not necessary for him to publish in *The Ontario Gazette* endorsement forms approved for use with the standard owner's policy.

R.S.O. 1970,
c. 224, s. 203,
subs. 3,
amended

12.—(1) Subsection 3 of section 203 of *The Insurance Act* is amended by adding at the commencement thereof "Subject to subsection 4a", so that the subsection shall read as follows:

Insured
entitled
to copy

- (3) Subject to subsection 4a, the insurer shall deliver or mail to the insured named in the policy, or to the agent for delivery or mailing to the insured, the policy or a true copy thereof and every endorsement or other amendment to the contract.

R.S.O. 1970,
c. 224, s. 203,
amended

(2) The said section 203 is amended by adding thereto the following subsections:

Certificate
of policy

- (4a) Where an insurer adopts the standard owner's policy, it may, instead of issuing the policy, issue a certificate in a form approved by the Superintendent which when issued is of the same force and effect as if it was in fact the standard owner's policy, subject to the limits and coverages shown thereon by the insurer and any endorsements issued concurrently therewith or subsequent thereto but, at the request of an insured at any time, the insurer shall provide a copy of the standard owner's policy wording as approved by the Superintendent.

Application

- (4b) Where a certificate is issued under subsection 4a, subsection 5 of this section, and subsection 2 of section 228, apply *mutatis mutandis*.

Proof of
terms of
policy

- (4c) Where an insurer issues a certificate under subsection 4a, proof of the terms of the policy may be given by production of a copy of *The Ontario Gazette* containing the form of standard owner's policy approved by the Superintendent.

13. Subsection 4 of section 217 of *The Insurance Act* is amended by striking out “or” at the end of clause *c*, by adding “or” at the end of clause *d* and by adding thereto the following clause:

R.S.O. 1970,
c. 224, s. 231,
subs. 4,
amended

- (*e*) the occasional and infrequent use by the insured of his automobile for the transportation of children to or from school or school activities conducted within the educational program.

14.—(1) Subsection 1 of section 231 of *The Insurance Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 224, s. 231,
subs. 1,
re-enacted

- (1) Every contract evidenced by a motor vehicle liability policy shall provide the medical and rehabilitation benefits set forth in subsection 1 of Schedule E subject to the limits, terms and conditions set forth in Schedule E.

Medical and
rehabilitation
benefits

(2) Subsection 3 of the said section 231 is amended by striking out “clause *a* of” in the first line.

R.S.O. 1970,
c. 224, s. 231,
subs. 3,
amended

(3) Subsection 4 of the said section 231 is amended by striking out “clause *a* of” in the first line.

R.S.O. 1970,
c. 224, s. 231,
subs. 4,
amended

(4) Subsection 5 of the said section 231 is amended by striking out “clause *b* of” in the first line.

R.S.O. 1970,
c. 224, s. 231,
subs. 5,
amended

15.—(1) Subsection 1 of section 232 of *The Insurance Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 224, s. 232,
subs. 1,
re-enacted

- (1) Every contract evidenced by a motor vehicle liability policy shall provide the death and total disability benefits set forth in subsection 2 of Schedule E in the terms, conditions, provisions and exclusions and subject to the limits as set forth in Schedule E.

Accident
benefits

(2) Subsections 3, 4 and 5 of the said section 232 are repealed.

R.S.O. 1970,
c. 224, s. 232,
subss. 3-5,
repealed

16. *The Insurance Act* is amended by adding thereto the following section:

R.S.O. 1970,
c. 224,
amended

- 234a.—**(1) Where a person entitled to benefits provided by insurance under section 231 and section 232 or either of them,

First
liability

(*a*)

- (a) is an occupant of a motor vehicle involved in an accident, the insurer of the owner of the motor vehicle shall, in the first instance, be liable for payment of the benefits provided by the insurance; or
- (b) is a pedestrian and is struck by a motor vehicle, the insurer of the owner of the motor vehicle shall, in the first instance, be liable for the payment of the benefits provided by the insurance.

Idem

- (2) Nothing in this section affects the operation of subsections 2 to 5 of section 231 and subsection 2 of section 232.

R.S.O. 1970,
c. 224, s. 237,
re-enacted

17. Section 237 of *The Insurance Act* is repealed and the following substituted therefor:

Claimant's
obligation
to inform

237.—(1) Where any person makes a claim for damages in respect of bodily injury or death sustained by the person or any other person while driving or being carried in or upon or entering or getting onto or alighting from or as a result of being struck by an automobile, he shall furnish the person against whom the claim is made full particulars of all insurance available to the claimant under contracts falling within the scope of section 231 or 232.

Release by
claimant of
benefits
under
Schedule E

- (2) Where a claimant is entitled to the benefit of insurance as provided in Schedule E this, to the extent of payments made or available to the claimant thereunder, constitutes a release by the claimant of any claim against the person liable to the claimant or his insurer.

R.S.O. 1970,
c. 224, s. 238,
cl. a,
amended

18.—(1) Clause *a* of section 238 of *The Insurance Act* is amended by striking out “231 or 232” in the second line.

R.S.O. 1970,
c. 224, s. 238,
cl. b,
amended

(2) Clause *b* of the said section 238 is amended by striking out “231 or 232” in the second line.

R.S.O. 1970,
c. 224, s. 353,
subs. 1,
re-enacted

19. Subsection 1 of section 353 of *The Insurance Act* is repealed and the following substituted therefor:

- (1) Licences as agents, brokers or adjusters may be issued to any corporation that is incorporated expressly for the purpose of acting as an insurance agent, broker or adjuster or for that and such other purposes as the Superintendent expressly approves of and where the corporation has been incorporated under *The Business Corporations Act* after the 30th day of June, 1971, the articles of incorporation shall have been approved by the Superintendent prior to incorporation.

Licences
to
corporations

R.S.O. 1970,
c. 53

20. Section 357 of *The Insurance Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 224, s. 357,
re-enacted

- 357.—(1) Any person who induces or attempts to induce, directly or indirectly, an insured to,

Twisting
life
insurance
prohibited

- (a) lapse;
- (b) surrender for cash paid up or extended insurance, or other valuable consideration; or
- (c) subject to substantial borrowing whether in a single loan or over a period of time,

any contract with one insurer of life insurance that contains provision for cash surrender and paid up values for the purpose of effecting a contract of life insurance with another insurer is guilty of an offence.

- (2) A person licensed as an agent for life insurance who,
- (a) makes a false and misleading statement or representation in the solicitation or registration of insurance; or
 - (b) makes or delivers any incomplete comparison of any policy or contract of insurance with that of any other insurer in the solicitation or registration of insurance; or
 - (c) coerces or proposes, directly or indirectly, to coerce a prospective buyer of life insurance through the influence of a professional or a business relationship or otherwise to give a preference with respect to the policy of life insurance that would not otherwise be given on the effecting of a life insurance contract,

Misleading
statements,
comparisons
or coercion
prohibited

is guilty of an offence.

Regulations
as to
replacement

(3) The Lieutenant Governor in Council may make regulations,

- (a) regulating the replacement of an existing life insurance contract by another contract of life insurance;
- (b) prescribing the duties of insurers and agents in connection with replacement of life insurance contracts.

R.S.O. 1970,
c. 224, s. 370,
amended

21. Section 370 of *The Insurance Act* is amended by striking out "In this Part" in the first line and inserting in lieu thereof "In sections 371 to 380", so that the section shall read as follows:

Interpreta-
tion

370. In sections 371 to 380, "reinsurance" means an agreement whereby contracts made in Ontario by a licensed insurer incorporated or organized under the laws of Ontario or any class or group of such contracts are undertaken or reinsured by another insurer either by novation, transfer or assignment or as a result of amalgamation of the insurers.

R.S.O. 1970,
c. 224,
amended

22. *The Insurance Act* is amended by adding thereto the following section:

Interpreta-
tion

380a.—(1) In this section, "reinsurance" means an agreement whereby a class or group of contracts that includes contracts made in Ontario by a licensed insurer are undertaken or reinsured by another insurer either by novation, transfer, or assignment or as a result of amalgamation of insurers but does not include a contract of reinsurance of individual risks made by insurers in the ordinary course of business.

Agreement
in writing

(2) An agreement for reinsurance shall be evidenced by an instrument in writing setting forth in full the terms and conditions of such reinsurance but no agreement with respect to contracts made in Ontario shall be entered into until the approval of the Superintendent has been obtained.

Notice to
policyholders

(3) Upon the approval of the Superintendent to an agreement for reinsurance under this section, notice thereof, together with a statement of the nature and terms of the agreement for reinsurance, in a form satisfactory to the Superintendent shall be served on all policy-

holders

holders in Ontario that may be reinsured thereunder, by being sent by mail to the last known address of each such policyholder.

23. Section 382 of *The Insurance Act* is amended by adding after "corporation" in the fourth line "licensed to write life insurance", so that the section shall read as follows: R.S.O. 1970, c. 224, s. 382, amended

382. In this Part, "insurer" means an insurer incorporated or organized under the laws of Ontario and in section 383 includes only a joint stock insurance company, a fraternal society, a mutual insurance corporation licensed to write life insurance and a cash-mutual insurance corporation. Interpretation

24. Section 384 of *The Insurance Act* is amended by inserting after "corporation" in the second line "licensed to write life insurance", so that the section shall read as follows: R.S.O. 1970, c. 224, s. 384, amended

384. An insurer who is not a joint stock insurance company, a fraternal society, a mutual insurance corporation licensed to write life insurance or a cash-mutual insurance corporation, may invest its funds in securities described in clauses *a* to *l* and clauses *o* and *p* of subsection 1 of section 383 and may lend its funds on the security of any such securities. Investments of other insurers

25. Subsection 1 of section 386 of *The Insurance Act* is amended by inserting after "investment" in the first and second lines "after the 13th day of November, 1970", so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1970, c. 224, s. 386, subs. 1, amended

- (1) An insurer shall not knowingly make an investment, after the 13th day of November, 1970, other than a loan on the security of a policy of life insurance issued by it, Prohibited loans and investments

26. *The Insurance Act* is amended by adding thereto the following Schedule: R.S.O. 1970, c. 224, amended

SCHEDULE E

MANDATORY MEDICAL AND REHABILITATION BENEFITS, AND ACCIDENT BENEFITS IN MOTOR VEHICLE LIABILITY POLICIES

ACCIDENT BENEFITS SECTION

The Insurer agrees to pay to or with respect to each insured person as defined in this Section who sustains bodily injury or death, directly and independently of all other causes, by an accident arising out of the use or operation of an automobile:

SUBSECTION 1—MEDICAL AND REHABILITATION BENEFITS

1. All reasonable expenses incurred within four years from the date of the accident as a result of such injury for necessary medical, surgical, dental, hospital, professional nursing, and ambulance service and, in addition, for such other services and supplies which are, in the opinion of the insured person's attending physician and that of the Insurer's medical advisor, essential for the treatment or rehabilitation of said person, to the limit of \$5,000.00 per person.

2. Funeral services up to the amount of \$500.00 in respect to the death of any one person.

The Insurer shall not be liable under this Subsection for those portions of such expenses payable or recoverable under any medical, surgical, dental, or hospitalization plan or law or, except for similar insurance provided under another automobile insurance contract, under any other insurance contract or certificate issued to or for the benefit of, any insured person.

SUBSECTION 2—DEATH AND TOTAL DISABILITY

Part I—Death Benefits

A. Subject to the provisions of this Part I, for death which ensues within 180 days of the accident or within 104 weeks of the accident if there has been continuous total disability during that period, a payment—based on the age and status at the date of the accident of the deceased in a household where spouse or dependants survive—of the following amount:

Age of Deceased at Date of Accident	Status of Deceased		
	Head of Household	Spouse in Two-parent Households	Dependent Children
Under 5 years	—	—	\$ 500.
5 years but under 10 years	—	—	1,000.
10 years but under 21 years	\$5,000.	\$2,500.	1,000.
21 years and over	5,000.	2,500.	—

In addition, with respect to death of head of household, where there are two or more survivors—spouse or dependants—the principal sum payable is increased \$1,000. for each survivor other than the first.

B. For the purposes of this Part I,

- (1) the spouse of head of household shall be deemed to be the spouse with the lesser income in the year preceding the date of death;
- (2) a deceased person whose only surviving dependants are parents of such a person shall be deemed a head of household if such parents, at the date of accident, were residing in the same dwelling premises as the deceased person and were principally dependent upon him for financial support;
- (3) the words "dependent child" as used herein shall mean a child,
 - (a) under the age of 21 years for whose support the head of household is legally liable and who is dependent upon the head of household for financial support; or
 - (b)

- (b) 21 years of age or over who, because of mental or physical infirmity, is wholly dependent upon the head of household for financial support.
- (4) the total amount payable shall be paid with respect to death of head of household or spouse to the surviving spouse. If there is no surviving spouse in the household, no amount shall be payable unless there are surviving dependent children or dependent parents, as defined in (2) and (3) above, and in that event the total sum payable shall be divided equally among the surviving dependants in the household;
- (5) the total amount payable with respect to death due to a common disaster of head of household and spouse shall be divided equally between surviving dependent children or dependent parents;
- (6) the amount payable with respect to the death of a dependent child shall be divided equally between the surviving parents; if no parent survives no amount shall be payable;
- (7) amounts payable under this Part I shall be paid only to a person who is alive 30 days after the death of the insured person.

Part II—Total Disability

A weekly benefit for the period during which the injury shall wholly and continuously disable such insured person; provided,

- (a) such person was employed at the date of the accident;
- (b) within 20 days from the date of the accident such injury prevents him from performing any and every duty pertaining to his occupation or employment;
- (c) no benefit shall be payable for any period in excess of 104 weeks except that if, at the end of the 104 week period, it has been established that such injury permanently and totally disabled such person from engaging in any occupation or employment for which he is reasonably suited by education, training or experience, the Insurer agrees to pay such weekly benefit for the duration of such disability;
- (d) any such weekly benefit will be reduced by the amount of the Old Age Pension and any retirement pension under the Canada Pensions Plan, as established when the insured person first became eligible therefor.

Amount of Weekly Benefit—The weekly benefit payable shall be at the rate of 80 per cent of the gross weekly earnings, subject to a maximum of \$70 per week.

The above benefits shall be subject to the terms of clause (3) below.

For the purposes of this Part II,

- (1) a principal unpaid housekeeper residing in the household and not otherwise engaged in occupation or employment for wages or profit, if injured, shall be deemed disabled only if completely incapacitated and unable to perform any of his or her household duties and, while so incapacitated, shall receive a benefit at the rate of \$35 per week for not more than 12 weeks;

- (2) a person shall be deemed to be employed,
 - (a) if actively engaged in occupation or employment for wages or profit at the date of the accident; or
 - (b) if 21 years of age or over and under the age of 65 years, so engaged for any six months out of the preceding 12 months;
- (3) except for the first two weeks of disability where the benefits for loss of time payable hereunder, together with benefits for loss of time under another contract, including a contract of group accident insurance and a life insurance contract providing disability insurance, exceed the money value of the time of the insured person, the Insurer is liable only for that proportion of the benefits for loss of time stated in this policy that the money value of the time of the person insured bears to the aggregate of the benefits for loss of time payable under all such contracts.

SUBSECTION 3—SPECIAL PROVISIONS, DEFINITIONS, AND
EXCLUSIONS OF THIS SECTION

(1) *“Insured person” defined*

In this Section, the words “insured person” mean,

- (a) any person while an occupant of the described automobile or of a newly acquired or temporary substitute automobile as defined in this policy;
- (b) the insured and, if residing in the same dwelling premises as the insured, his or her spouse and any dependent relative of either while an occupant of any other automobile; provided that,
 - (i) the insured is an individual or are husband and wife;
 - (ii) such person is not engaged in the business of selling, repairing, maintaining, servicing, storing, or parking automobiles at the time of the accident;
 - (iii) such other automobile is not owned or regularly or frequently used by the insured or by any person or persons residing in the same dwelling premises as the insured;
 - (iv) such other automobile is not owned, hired, or leased by an employer of the insured or by an employer of any person or persons residing in the same dwelling premises as the insured.
 - (v) such other automobile is not used for carrying passengers for compensation or hire or for commercial delivery;
- (c) in Subsections 1 and 2 of this Section only, any person, not the occupant of an automobile or of railway rolling-stock that runs on rails, who is struck, in Canada, by the described automobile or a newly acquired or temporary substitute automobile as defined in the policy;
- (d) in Subsections 1 and 2 of this Section only, the named insured, if an individual and his or her spouse and any dependent relative residing in the same dwelling premises as

the named insured, not the occupant of an automobile or of railway rolling-stock that runs on rails, who is struck by any other automobile; provided that,

- (i) such person is not engaged in the business of selling, repairing, maintaining, servicing, storing, or parking automobiles at the time of the accident;
 - (ii) that automobile is not owned or regularly or frequently used by the insured or by any person or persons residing in the same dwelling premises as the named insured;
 - (iii) that automobile is not owned, hired, or leased by an employer of the insured or by an employer of any person or persons residing in the same dwelling premises as the named insured;
- (e) if the insured is a corporation, unincorporated association, or partnership, any employee or partner of the insured for whose regular use the described automobile is furnished, and his or her spouse and any dependent relative of either, residing in the same dwelling premises as such employee or partner, while an occupant of any other automobile of the private passenger or station wagon type; and
- (f) in Subsections 1 and 2 of this Section only, any employee or partner of the insured, for whose regular use the described automobile is furnished, and his or her spouse and any dependent relative of either, residing in the same dwelling premises as such employee or partner, while not the occupant of an automobile or of railway rolling-stock that runs on rails, who is struck by any other automobile; provided that,

in respect of (e) and (f) above,

- (i) neither such employee nor partner or his or her spouse is the owner of an automobile of the private passenger or station wagon type;
- (ii) the described automobile is of the private passenger or station wagon type;
- (iii) such person is not engaged in the business of selling, repairing, maintaining, servicing, storing, or parking automobiles at the time of the accident;
- (iv) such other automobile is not owned or regularly or frequently used by the employee or partner, or by any person or persons residing in the same dwelling premises as such employee or partner;
- (v) such other automobile is not owned, hired, or leased by the insured or by an employer of any person or persons residing in the same dwelling premises as such employee or partner of the insured;

in respect of (e) above only,

- (vi) such other automobile is not used for carrying passengers for compensation or hire or for commercial delivery.

(2) *Exclusions*

- (a) The Insurer shall not be liable under this Section for bodily injury to or death of any person,
- (i) resulting from the suicide of such person or attempt thereat, whether sane or insane; or
 - (ii) who is entitled to receive the benefits of any workmen's compensation law or plan; or
 - (iii) caused directly or indirectly by radioactive material;
- (b) The Insurer shall not be liable under Subsection 1 or Part II of Subsection 2 of this Section for bodily injury or death,
- (i) sustained by any person who is convicted of drunken or impaired driving or of driving while under the influence of drugs at the time of the accident; or
 - (ii) sustained by any person driving the automobile who is not for the time being either authorized by law or qualified to drive the automobile.

(3) *Notice and proof of claim*

The insured person or his agent, or the person otherwise entitled to make claim or his agent, shall,

- (a) give written notice of claim to the Insurer by delivery thereof or by sending it by registered mail to the chief agency or head office of the Insurer in the Province, not later than 30 days from the date of the accident;
- (b) within 90 days from the date of the accident for which the claim is made, furnish to the Insurer such proof of claim as is reasonably possible in the circumstances of the happening of the accident and the loss occasioned thereby;
- (c) if so required by the Insurer, furnish a certificate as to the cause and nature of the accident for which the claim is made and as to the duration of the disability caused thereby from a medical practitioner legally qualified to practise.

(4) *Medical reports*

The Insurer has the right and the claimant shall afford to the Insurer, an opportunity to examine the person of the insured person when and as often as it reasonably requires while the claim is pending, and also, in the case of the death of the insured person, to make an autopsy subject to the law relating to autopsies.

(5) *"Attending physician" defined*

"Attending physician" shall mean a person who legally engages in the practice of medicine or surgery, or both.

(6) *Release*

Notwithstanding any release provided for under the relevant sections of *The Insurance Act* the Insurer may demand, as a con-

dition precedent to payment of any amount under this Section of the policy, a release in favour of the insured and the Insurer from liability to the extent of such payment from the insured person or his personal representative or any other person.

(7) *When moneys payable*

- (a) All amounts payable under this Section, other than benefits under Part II of Subsection 2, shall be paid by the Insurer within 30 days after it has received proof of claim. The initial benefits for loss of time under Part II of Subsection 2 shall be paid within 30 days after it has received proof of claim, and payments shall be made thereafter within each 30-day period while the Insurer remains liable for payments if the insured person, whenever required to do so, furnishes prior to payment proof of continuing disability.
- (b) No person shall bring an action to recover the amount of a claim under this Section unless the requirements of provisions 3 and 4 of this Subsection are complied with, nor until the amount of the loss has been ascertained as provided in this Section.
- (c) Every action or proceeding against the Insurer for the recovery of a claim under this Section shall be commenced within one year from the date on which the cause of action arose and not afterwards.

In so far as applicable the general provisions, definitions, exclusions and statutory conditions of the policy also apply.

27. Sections 14 and 15 apply to all contracts evidenced by motor vehicle liability policies made or renewed on or after the 1st day of January, 1972, and all contracts evidenced by motor vehicle liability policies, Application of sections 14, 15

- (a) made or renewed before and subsisting when this Act receives Royal Assent; or
- (b) made or renewed after this Act receives Royal Assent and before the 1st day of January, 1972,

shall be deemed to contain the benefits, limits, terms and conditions set forth in Schedule E.

28.—(1) This Act, except sections 2 and 13, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 2 and 13 come into force on a day to be named by the Lieutenant Governor by his proclamation. Idem

29. This Act may be cited as *The Insurance Amendment Act, 1971*. Short title

CHAPTER 85

**An Act to amend
The Health Services Insurance Act**

*Assented to July 28th, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Health Services Insurance Act* is amended by adding thereto the following clause:

R.S.O. 1970,
c. 200, s. 1,
amended

(aa) "Claims Board" means the Health Services Claims Board established under section 5a.

2. Subsection 2 of section 4 of *The Health Services Insurance Act* is repealed.

R.S.O. 1970,
c. 200, s. 4,
subs. 2,
repealed

3. *The Health Services Insurance Act* is amended by adding thereto the following sections:

R.S.O. 1970,
c. 200,
amended

5a.—(1) The Health Services Claims Board is established and shall be composed of five members who shall be appointed by the Lieutenant Governor in Council, one of whom shall be appointed as chairman.

Health
Services
Claims
Board

(2) Three members of the Claims Board constitute a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Claims Board.

Quorum

(3) No member of the Claims Board shall be employed in the service of Ontario or of any agency of the Crown.

Qualifications
of members

5b.—(1) The Director shall approve and assess claims for insured health services and determine the amounts to be paid and authorize the payment thereof in accordance with this Act and the regulations, and shall perform such other duties as are assigned to him by this Act or the regulations.

Duties of
Director

(2) Where it appears to the Director on reasonable grounds that,

Refusal or
reduction
of claims

(a)

- (a) all or part of insured health services were not in fact rendered;
- (b) all or part of such services were not medically necessary;
- (c) all or part of such services were not provided in accordance with accepted professional standards; or
- (d) the nature of the services is misrepresented,

the Director shall refer the matter to the Medical Review Committee established under section 31*a* and the Medical Review Committee may recommend to the Director that he pay or refuse or reduce payment of the amount otherwise payable under subsection 1 and subject to subsections 3 to 6 and to sections 5*c* and 5*d*, the Director shall carry out the recommendations of the Committee.

Proposal
to refuse
claim

- (3) Where the Director proposes to refuse or reduce a payment on any of the grounds set out in subsection 2, he shall serve notice of his proposal, together with written reasons therefor, on the claimant.

Notice

- (4) A notice under subsection 3 shall inform the claimant that he is entitled to a hearing by the Claims Board if he mails or delivers, within fifteen days after the notice under subsection 3 is served on him, notice in writing requiring a hearing to the Director and the Claims Board and he may so require such a hearing.

Powers of
Claims Board
where
hearing

- (5) Where a claimant requires a hearing by the Claims Board in accordance with subsection 4, the Claims Board shall appoint a time for and hold the hearing and, on the application of the Director at the hearing, may by order direct the Director to carry out his proposal or refrain from carrying out his proposal and to take such action as the Claims Board considers the Director ought to take in accordance with this Act and the regulations, and for such purposes the Claims Board may substitute its opinion for that of the Director.

Extension
of time
for
requiring
hearing

- (6) The Claims Board may extend the time for the giving of notice requiring a hearing by a claimant under this section either before or after expiration of such time

where

where it is satisfied that there are *prima facie* grounds for granting relief to the claimant pursuant to a hearing and that there are reasonable grounds for applying for the extension and the Claims Board may give such directions as it considers proper consequent upon the extension.

- 5c.—(1) The Director, the claimant who has required ^{Parties} the hearing where the claimant is a patient, the physician or practitioner rendering the services, and such other persons as the Claims Board may specify are parties to proceedings before the Claims Board under this Act.
- (2) A claimant who is a party to proceedings under ^{Examination of documentary evidence} section 5b shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.
- (3) Members of the Claims Board holding a hearing ^{Members holding hearing not to have taken part in investigation, etc.} shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Claims Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.
- (4) The oral evidence taken before the Claims Board ^{Recording of evidence} at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.
- (5) The findings of fact of the Claims Board pursuant ^{Findings of fact} to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. ^{1971, c. 47}
- (6) No member of the Claims Board shall participate ^{Only members at hearing to participate in decision} in a decision of the Claims Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no

decision

decision of the Claims Board shall be given unless all members so present participate in the decision.

Release of
documentary
evidence

- (7) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him by the Claims Board within a reasonable time after the matter in issue has been finally determined.

Appeal to
court

- 5*d*.—(1) Any party to the proceedings before the Claims Board may appeal from its decision or order to the Supreme Court in accordance with the rules of court.

Record to
be filed
in court

- (2) Where any party appeals from a decision or order of the Claims Board, the Claims Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Claims Board's record, shall constitute the record in the appeal.

Minister
entitled to
be heard

- (3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Powers of
court on
appeal

- (4) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Claims Board and may exercise all powers of the Claims Board to direct the Director to take any action which the Claims Board may direct him to take and as the court considers proper and for such purposes the court may substitute its opinion for that of the Director or of the Claims Board, or the court may refer the matter back to the Claims Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Furnishing
reasons to
professional
governing
body

- 5*e*.—(1) Notwithstanding section 23, where a decision of the Director to refuse or reduce a payment on any of the grounds referred to in clause *b*, *c* or *d* of subsection 2 of section 5*b* and the decision has become final, the Director shall furnish the governing body of the profession of which the physician or practitioner rendering the services is a member with a copy of the decision and the reasons therefor, and in all other cases the Director may furnish such governing body with a copy of the decision and the reasons therefor.

- (2) Where the claim for an account for insured health services of a physician or practitioner who is not submitting his accounts directly to the Plan is refused or reduced on any of the grounds referred to in clauses *a* to *d* of subsection 2 of section 5*b*, the insured person is not liable to the physician or practitioner for the amount by which the Director reduces the account on such grounds and any such amount or part thereof paid by the insured person is a debt due by the physician or practitioner to the insured person, recoverable in a court of competent jurisdiction.

Liability of
physician,
etc., where
claim of
patient
disallowed

4. *The Health Services Insurance Act* is amended by adding thereto the following sections:

R.S.O. 1970,
c. 200,
amended

21*a*—(1) Subject to subsection 6, a physician may submit his accounts for the performance of insured health services directly to the Plan for payment thereof directly to him by notifying the Director of his intention to do so in the manner and subject to the requirements prescribed by the regulations.

Billing
the Plan

- (2) Where a physician submits his accounts directly to the Plan under this section, he shall thereafter submit all his accounts for the performance of insured services directly to the Plan in accordance with and subject to the requirements of this Act and the regulations.

Methods of
billing
prohibited

- (3) Where a physician submits his accounts directly to the Plan under this section,

Requirements
where Plan
billed

(*a*) payment thereof shall be made directly to him;

(*b*) he shall not submit any account for any amount to the patient in respect of insured health services; and

(*c*) the payment for the insured health services out of the Plan constitutes payment in full of the account therefor.

- (4) A physician may at any time notify the Director in writing that he intends to cease submitting his accounts directly to the Plan and subsection 3 ceases to apply to him on and after the first day of the third month next following the month in which the Director receives such notification.

Ceasing
billing
the Plan

No payment to physician, etc., unless Plan billed by him

- (5) The Plan shall not make any payment in respect of the performance of insured health services directly to any physician who does not submit his accounts therefor directly to the Plan under this section.

Initial adoption of Plan billing

- (6) Where the first account submitted on or after the 1st day of November, 1971 by a physician for insured health services is submitted directly to the Plan, the physician shall be deemed to be one who is submitting his accounts directly to the Plan for the purposes of this section.

Service of notice

- 21b. Except where otherwise provided, any notice required by this Act to be served may be served personally or by registered mail addressed to the person to whom notice is to be given at his latest known address and, where notice is served by registered mail, the service shall be deemed to have been made on the third day after the day of mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date.

R.S.O. 1970, c. 200, s. 22, subs. 1, repealed

5. Subsection 1 of section 22 of *The Health Services Insurance Act* is repealed.

R.S.O. 1970, c. 200, s. 23, subs. 2, cl. a, re-enacted

6.—(1) Clause *a* of subsection 2 of section 23 of *The Health Services Insurance Act* is repealed and the following substituted therefor:

R.S.O. 1970, c. 268, R.S.C. 1970, c. M-8

- (a) in connection with the administration of this Act and *The Medical Act*, and the regulations made thereunder, and the *Medical Care Act* (Canada).

R.S.O. 1970, c. 200, s. 23, subs. 4, re-enacted

(2) Subsection 4 of the said section 23 is repealed and the following substituted therefor:

Exception for professional discipline

- (4) The Director may communicate information of the kind referred to in subsection 2 and any other information pertaining to the nature of the insured health services provided and any diagnosis given by the person who provided the services to the statutory body governing the profession or to a professional association of which he is a member.

R.S.O. 1970, c. 200, s. 28, repealed

7. Section 28 of *The Health Services Insurance Act* is repealed.

8. *The Health Services Insurance Act* is amended by adding thereto the following sections: R.S.O. 1970,
c. 200,
amended

31a.—(1) The Minister, from among persons nominated for such purpose by The College of Physicians and Surgeons of Ontario, may appoint a Medical Review Committee consisting of not more than six members of whom a majority constitute a quorum. Medical
Review
Committee
established

(2) The Minister, from among persons nominated for such purpose by The College of Physicians and Surgeons of Ontario, may appoint in writing medical and financial inspectors with the duty and power to inspect, examine and audit books, accounts, reports and medical records maintained in hospitals, nursing homes, offices of physicians and practitioners and other health care facilities respecting patients who are receiving or who have received insured health services, and such medical and financial inspectors shall act only at the direction of the Medical Review Committee. Inspectors

(3) No person shall unlawfully obstruct a medical or financial inspector in the performance of his duties under this Act and the regulations. Obstructions

31b. Every person who contravenes any provision of this Act or the regulations for which no penalty is specifically provided is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000. Offence,
general

9. Section 32 of *The Health Services Insurance Act* is amended by adding thereto the following clauses: R.S.O. 1970,
c. 200, s. 32,
amended

(r) providing for the times when and manner in which physicians may begin submitting accounts directly to the Plan under section 21a;

(s) exempting any class of accounts from the application of section 21a or any provision thereof.

10. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment

11. This Act may be cited as *The Health Services Insurance Amendment Act, 1971*. Short title

CHAPTER 86

An Act to Protect the Natural Environment

*Assented to July 28th, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "air" means open air not enclosed in a building, structure, machine, chimney, stack or flue;
- (b) "Board" means the Pollution Control Appeal Board;
- (c) "contaminant" means any solid, liquid, gas, odour, heat, sound, vibration, radiation, or combination of any of them present in the natural environment as a result, directly or indirectly, of the activities of man;
- (d) "Department" means the Department of the Environment;
- (e) "land" means surface land not enclosed in a building, land covered by water and all subsoil, or any combination or part thereof;
- (f) "local board" means a school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or parts thereof;
- (g) "Minister" means the Minister of the Environment;
- (h) "municipality" means the corporation of a county, metropolitan area, regional area, district area, city,
town,

town, village, township or improvement district and includes a local board thereof and a board, commission or other local authority exercising any power with respect to municipal affairs or purposes, including school purposes in an unorganized township or unsurveyed territory;

- (i) “natural environment” means the air, land and water, or any combination or part thereof, of the Province of Ontario;
- (j) “person” includes a municipality, a corporation on behalf of Her Majesty in right of Ontario, and an agent of any of them;
- (k) “person responsible” means the owner, or the person in occupation or having the charge, management or control of a source of contaminant;
- (l) “pollutant” means any contaminant or combination of contaminants present in the natural environment, or any part thereof, in excess of the maximum permissible amount, concentration or level prescribed by the regulations, and “pollution” has a corresponding meaning;
- (m) “provincial officer” means a person who is designated by the Minister as a provincial officer for the purposes of this Act and the regulations;
- (n) “regulations” means the regulations made under this Act;
- (o) “source of contaminant” means anything that adds to, emits or discharges into the natural environment any contaminant;
- (p) “water” means surface water and ground water, or either of them.

PART I

ADMINISTRATION

Purpose
of Act

2. The purpose of this Act is to provide for the protection and conservation of the natural environment.

Powers and
duties of
Minister

3. The Minister, for the purposes of the administration and enforcement of this Act and the regulations, may,

(a)

- (a) investigate problems of pollution, waste management, waste disposal, litter management and litter disposal;
- (b) conduct research related to contaminants, pollution, waste management, waste disposal, litter management and litter disposal;
- (c) conduct studies of the quality of the natural environment, meteorological studies, and monitoring programs;
- (d) conduct studies of environmental planning designed to lead to the wise use of the natural environment by man;
- (e) convene conferences and conduct seminars and educational programs relating to contaminants, pollution, waste and litter;
- (f) gather, publish and disseminate information relating to contaminants, pollution, waste and litter;
- (g) make grants and loans for,
 - (i) research or the training of persons relating to contaminants, pollution, waste or litter, and
 - (ii) the development of waste management facilities,in such amounts and upon such terms and conditions as the regulations may prescribe;
- (h) establish and operate demonstration and experimental waste disposal and litter disposal sites;
- (i) appoint committees to perform such advisory functions as the Minister considers advisable; and
- (j) with the approval of the Lieutenant Governor in Council, enter into an agreement with any government or person relating to the protection or conservation of the natural environment.

PART II

GENERAL PROVISIONS

4. In this Part, "Director" means,

Interpre-
tation

- (a) the Director of the Air Management Branch of the Department;
- (b) the Director of the Waste Management Branch of the Department; and

(c)

(c) the chairman of the Ontario Water Resources Commission when so designated by the Minister; and

(d) such other Directors of branches of the Department as may be designated by the Minister to administer any Part or Parts of this Act.

Prohibition **5.**—(1) No person shall deposit in, add to, emit or discharge into the natural environment any contaminant, and no person responsible for a source of contaminant shall permit the addition to, emission or discharge into the natural environment of any contaminant from the source of contaminant, in an amount, concentration or level in excess of that prescribed by the regulations.

Exception (2) Subsection 1 does not apply to animal wastes disposed of in accordance with normal farming practices.

Control orders **6.** When the report of a provincial officer, filed as provided by section 83, contains a finding that a contaminant added to, emitted or discharged into any part of the natural environment by any person or from any source of contaminant exceeds the maximum permissible amount, concentration or level prescribed by the regulations, contravenes section 14 or is a contaminant the use of which is prohibited by the regulations, the Director may issue a control order directed to the person responsible therefor.

Stop orders **7.** When the Director, upon reasonable and probable grounds, is of the opinion that a source of contaminant is adding to, emitting or discharging into the natural environment any contaminant that constitutes, or the amount, concentration or level of which constitutes, an immediate danger to human life, the health of any persons, or to property, the Director may issue a stop order directed to the person responsible for the source of contaminant.

Approval by Director of plans and specifications **8.**—(1) No person shall,

(a) commence to construct any plant, structure or thing that will or is likely to emit or discharge a contaminant into the natural environment;

(b) alter or modify any plant, structure or thing where such alteration or modification will or is likely to result in the plant, structure or thing emitting or discharging a contaminant into the natural environment; or

(c) change a process or increase production so that the plant, structure, or thing will or is likely to emit or discharge a contaminant into the natural environment,

contrary

contrary to this Act or the regulations unless the plans and specifications, or change or increase, as the case may be, are approved by the Director in accordance with section 9.

(2) Plans and specifications submitted to the Director under this section, Information required in plans and specifications

(a) shall show,

- (i) the location of the plant, structure or thing,
- (ii) the size and capacity of the plant, structure or thing,
- (iii) the nature of the manufacturing, processing or other operation for which the plant, structure or thing is to be used;

(b) shall set out details of any contaminant that will be added to, emitted or discharged into the natural environment during the course of the construction of the plant, structure or thing,

- (i) from any equipment or material used or intended for use in its construction, or
- (ii) from the plant, structure or thing;

(c) shall set out details of any contaminant that will be added to, emitted or discharged into the natural environment from the plant, structure or thing from or as the result of any manufacturing, processing or other operation for which it is to be used or as a result of any change of process or increase of production; and

(d) shall be in such detail as the regulations may describe.

(3) The Director may require an applicant for an approval under this section to submit any additional information that the Director considers necessary relating to the proposed plant, structure or thing or any contaminant referred to in subsection 2. Director may require additional information

(4) Subsections 1, 2 and 3 do not apply to any plant, structure or thing used in the pursuit of agriculture. Agricultural facilities exempt

9. Where the approval of the Director is required as provided in section 8, the Director shall require such changes as may be necessary to ensure that the plant, structure or thing will not emit or discharge any contaminant into the natural environment contrary to this Act or the regulations. Powers and duties of Director

Submission
of program

10.—(1) A person responsible for a source of contaminant may submit to the Director a program to prevent or to reduce and control the addition to, emission or discharge into the natural environment of any contaminant from the source of contaminant.

Referral of
program

(2) When a program referred to in subsection 1 is submitted to the Director, the Director may, with the consent of the Minister, refer the program to the Environmental Council for its consideration and advice.

Approval of
program

(3) The Director may issue an approval to be known as a "program approval", directed to the person who submitted the program.

Contents of
approval

11. The Director shall, in a program approval,

- (a) set out the name of the person to whom the approval is directed;
- (b) set out the location and nature of the source of contaminant;
- (c) set out the details of the program; and
- (d) approve the program.

Approval
not to
prevent
control or
stop order

12. Notwithstanding the issue of a program approval, when the Director is of the opinion, based upon reasonable and probable grounds, that it is necessary or advisable for the protection or conservation of the natural environment, the prevention or control of an immediate danger to human life, the health of any persons or to property, the Director may issue a stop order or a control order directed to the person responsible.

Department
to be
notified
when
contamina-
tion exceeds
permitted
level

13.—(1) Every person who,

- (a) deposits in, adds to, emits or discharges into the natural environment; or
- (b) is the person responsible for a source of contaminant that deposits in, adds to, emits or discharges into the natural environment,

any contaminant in an amount, concentration or level in excess of that prescribed by the regulations shall forthwith notify the Department of the deposit, addition, emission or discharge, as the case may be.

(2) Subsection 1 does not apply to animal wastes disposed of in accordance with normal farming practices. ^{Exception}

14.—(1) Notwithstanding any other provision of this Act or the regulations, no person shall deposit, add, emit or discharge, or cause or permit the deposit, addition, emission or discharge, into the natural environment of a contaminant that, ^{Prohibition}

- (a) has an offensive odour;
- (b) may endanger the health or safety of any person;
- (c) may injure or damage or cause injury or damage to,
 - (i) real or personal property, or
 - (ii) plant or animal life.

(2) Clause *a* of subsection 1 does not apply to animal wastes disposed of in accordance with normal farming practices. ^{Exception}

15.—(1) Every person who,

- (a) deposits in, adds to, emits or discharges into any part of the natural environment; or
- (b) is the person responsible for a source of contaminant that deposits in, adds to, emits or discharges into any part of the natural environment,

^{Department to be notified when unusual contamination occurs}

out of the normal course of events, any contaminant that,

- (c) has an offensive odour;
- (d) may endanger the health or safety of any person;
- (e) may injure or damage or cause injury or damage to,
 - (i) real or personal property, or
 - (ii) plant or animal life,

shall forthwith notify the Department of the deposit, addition, emission or discharge, as the case may be.

(2) Subsection 1 does not apply to animal wastes disposed of in accordance with normal farming practices. ^{Exception}

16. Unless otherwise required by the context, the provisions of this Part also apply to the subject matter of the individual Parts of this Act. ^{Application of Part not restricted}

17. Where any person causes or permits the deposit, addition, emission or discharge into the natural environment of a contaminant that injures or damages land, water, property or plant ^{Minister may order repair of damage}

plant life, the Minister, where he is of the opinion that it is in the public interest so to do, may order such person to do all things and take all steps necessary to repair the injury or damage.

Equipment
to alleviate
effect of
contaminant

18. When, in the opinion of the Director, based upon reasonable and probable grounds, it is necessary or advisable for the protection or conservation of the natural environment to do so, the Director may, by an order directed to any person, require that person to have on hand and available at all times such equipment and material as the order specifies to alleviate the effect of any contamination of the natural environment that may be caused or permitted by the person to whom the order is directed.

Order or
approval
binds
successor or
assignee

19.—(1) An order or approval of the Minister or the Director under this Act is binding upon the successor or assignee of the person to whom it is directed.

Index record

(2) The Department shall maintain an alphabetical index record of the names of all persons to whom orders or approvals are directed under this Act.

Removal of
name from
index record

(3) When an order or approval has expired or is revoked, the Department shall remove from the index record the name of the person to whom the order or approval is directed.

Search of
index record

(4) The Department shall, upon the request of any person, make a search of the index record and inform the person making the request as to whether or not the name of a particular person appears in the index record and shall permit inspection of any order or approval relating to that person.

The Crown

20. The provisions of this Act are binding upon the Crown.

Subsisting
regulations

1967, c. 2

21.—(1) Unless revoked or amended by the regulations made under this Act, the regulations made under *The Air Pollution Control Act, 1967*, that are in force immediately before this Act comes into force, shall remain in force as regulations made under this Act.

Subsisting
reports, etc.

(2) Every report, recommendation, approval, order and notice made or given under *The Air Pollution Control Act, 1967* shall be deemed to be made or given, as the case may be, under this Act.

Transfer of
proceedings

(3) Where any proceeding has been commenced before the Air Pollution Control Advisory Board, such proceeding shall be transferred to the Board under this Act.

Continuation
of proceedings

(4) The Board may continue any proceeding referred to in subsection 3 upon receipt of a transcript, and may require the preparation and delivery of such transcript, of the proceeding certified by the secretary of the Air Pollution Control

Advisory Board, or may require the proceeding or any part thereof to be commenced *de novo*.

(5) For the purpose of a proceeding referred to in subsection 3, the Board has the like powers and duties as the Air Pollution Control Advisory Board.

Powers and duties of Board where proceedings transferred

PART III

MOTORS AND MOTOR VEHICLES

22. In this Part,

Interpretation

- (a) "Director" means the Director of the Air Management Branch of the Department;
- (b) "motor" means an internal combustion engine;
- (c) "motor vehicle" means a vehicle that uses or incorporates a motor as a source of power.

23.—(1) No person shall sell, offer or expose for sale a motor or motor vehicle that when operated emits any contaminant in excess of the standards prescribed by the regulations.

Sale of motor or motor vehicle that emits excess contaminant

(2) No person shall sell, offer or expose for sale a motor or motor vehicle of a class or type that is required by the regulations to have installed on, attached to, or incorporated in it any system or device to prevent or lessen the emission of any contaminant unless such motor or motor vehicle has such system or device so installed, attached or incorporated.

Sale of motor or motor vehicle contrary to regulations

(3) Where a motor or motor vehicle is of a class or type that is required by the regulations to have installed on, attached to, or incorporated in it any system or device to prevent or lessen the emission of any contaminant, no person shall remove or order or permit the removal of such system or device from such motor or motor vehicle, except for repair or replacement, where it may be operated contrary to this Act or the regulations.

Removal of device from motor or motor vehicle

(4) Every person who contravenes any provision of this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

Offence

24.—(1) Except where necessary for test or repair purposes, no person shall operate or permit the operation of a motor or motor vehicle or any class or type thereof that does not comply with the standards prescribed in the regulations.

Operation of motor or motor vehicle

(2) Where any motor or motor vehicle is of a class or type that is required by the regulations to have installed on,

Where system or device required

attached

attached to, or incorporated in it any system or device to prevent or lessen the emission of any contaminant, the owner of such motor or motor vehicle shall not permit it to be operated nor shall any person knowingly operate it unless such motor or motor vehicle has installed on, attached to, or incorporated in it such system or device and such system or device is in continuous use when the motor or motor vehicle is in operation.

Offence

(3) Every person who contravenes any provision of this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

PART IV

WATER

Inter-
pre-
tation

25. In this Part, "Director" means the chairman of the Ontario Water Resources Commission when so designated by the Minister, or the Director of a branch of the Department designated by the Minister to administer this Part.

Where quality
of water
impaired

26. No person shall add any substance to water that will or is likely to cause injury to any person, animal, bird or other living thing as a result of the use or consumption of any plant, fish or other living matter or thing in the water or in the soil in contact with the water, without a permit or licence under Part VI.

Regulations
to continue
in force

27.—(1) Unless revoked or amended by the regulations made under this Act,

(a) Ontario Regulation 284/69; and

(b) Ontario Regulation 261/70,

as amended from time to time shall remain in force as regulations made under this Act.

Subsisting
orders, etc.
R.S.O. 1960,
c. 281

(2) Every order, direction, requirement and permit given or made under section 26, 27a, 27b, 28b or 50 of *The Ontario Water Resources Commission Act* shall be deemed to be made or given, as the case may be, under this Act and every such order, direction, requirement and permit, except an order under section 26 of that Act, shall continue in force until revoked, suspended or varied by the Director, or, in the case of a permit under section 28b of that Act, by the Director under Part VI of this Act.

Powers of
Director

(3) The Director may by order revoke, suspend or vary an order, direction or requirement referred to in subsection 2,

other

other than an order under section 26 of *The Ontario Water Resources Commission Act*, in order to,

- (a) carry out the purposes of this Act; and
- (b) require any person or source of contaminant to comply with the provisions of this Act and the regulations.

(4) The Director referred to in Part VI of this Act may ^{Idem} revoke or suspend a permit issued under section 28b of *The Ontario Water Resources Commission Act* or alter the terms and conditions thereof in order to,

- (a) carry out the purposes of this Act; and
- (b) require any person or source of contaminant to comply with the provisions of this Act and the regulations.

(5) In the case of an order under section 26 of *The Ontario Water Resources Commission Act*, the Director may apply to the court to continue, vary or terminate the order on such terms and conditions as the judge considers proper.

^{Director may apply to court to continue, etc., order R.S.O. 1960, c. 281}

PART V

WASTE MANAGEMENT

28. In this Part,

^{Interpretation}

- (a) "Director" means the Director of the Waste Management Branch of the Department;
- (b) "operator" means the person in occupation or having the charge, management, or control of a waste management system or a waste disposal site;
- (c) "owner" means a person that owns or is responsible for the establishment or direction of a waste management system or a waste disposal site;
- (d) "waste" includes ashes, garbage, refuse, domestic waste, industrial waste, or municipal refuse and such other wastes as are designated in the regulations;
- (e) "waste disposal site" means any land or land covered by water upon which, or building or structure in which, waste is deposited or processed and any machinery or equipment or operation required for the treatment or disposal of waste;
- (f) "waste management system" means all facilities, equipment and operations for the complete management of waste, including the collection, handling, transportation, storage, processing and disposal thereof, and may include one or more waste disposal sites.

Application
of Part

29. This Part does not apply to the storage or disposal by any person of his domestic wastes on his own property unless the Director is of the opinion, based upon reasonable and probable grounds, that such storage or disposal is or is likely to create a nuisance, or to any sewage or other works to which *The Ontario Water Resources Commission Act* or the regulations thereunder apply.

R.S.O. 1970,
c. 332

Certificate
of approval

30. No waste management system that is in operation or waste disposal site that is in use when this Act comes into force shall be operated or used,

- (a) after a certificate of approval has been refused; or
- (b) where a certificate of approval or provisional certificate of approval has been issued, except in accordance with the terms and conditions of such certificate.

New systems,
sites and
extensions

31. No person shall use, operate, establish, alter, enlarge or extend,

- (a) a waste management system; or
- (b) a waste disposal site,

unless a certificate of approval or provisional certificate of approval therefor has been issued by the Director and except in accordance with any conditions set out in such certificate.

No money
by-law
without
certificate

32. No by-law for raising money to finance any work under section 31 shall be passed by the council of a municipality until a certificate of approval or a provisional certificate of approval has been issued therefor.

Relief from
assent of
electors

33. Where the Minister reports in writing to the clerk of a municipality that he is of the opinion that it is necessary in the public interest that waste be collected or a waste management system or any part thereof be established, maintained, operated, improved, extended, enlarged, altered, repaired or replaced, it is not necessary to obtain the assent of the electors to any by-law for incurring a debt for any such purpose, and the municipality shall forthwith do every possible act and thing in its power to implement the report of the Minister within the time specified.

Condition
precedent
to issue of
certificate

34. No certificate of approval shall be issued to an applicant other than a municipality unless the applicant has,

- (a) deposited a sum of money; or
- (b) furnished a surety bond; or
- (c) furnished personal sureties,

in such amount and upon such conditions as the regulations prescribe to assure satisfactory maintenance of the waste management system or the waste disposal site or the removal of waste from the site if the Director considers such removal necessary.

35.—(1) No certificate of approval for a waste disposal site shall be issued to an applicant other than a municipality unless the applicant has furnished a certificate from the municipality in which the waste disposal site is or is proposed to be situated that the waste disposal site does not contravene any of the by-laws of the municipality. Certificate of municipality required

(2) Where the Minister is of the opinion that it is in the public interest that a waste disposal site be established, he may exempt an applicant from the requirement of subsection 1. Exception

(3) Where a by-law of a municipality affects the location or operation of a proposed waste disposal site, the Minister shall require a hearing by the Board to consider whether the proposed waste disposal site should be exempt from the provisions of the by-law. Minister shall require hearing where by-law affects location or operation of proposed waste disposal site

(4) Where the Minister requires a hearing under subsection 3, Where Minister requires hearing

(a) the applicant, the municipality and any other person specified by the Board are parties to the hearing;

(b) the Board shall sit in the municipality within which it is proposed to locate the waste disposal site; and

(c) the Board shall deliver its final decision, including the reasons therefor, to the Minister and the parties.

(5) The Minister, after receiving the decision and the reasons of the Board, may order that the by-law referred to in subsection 3 does not apply to the proposed waste disposal site and the by-law shall thereupon be deemed not to affect the location or operation of such waste disposal site. Minister may make order

36. The deposit mentioned in clause *a* of section 34 may be returned to the depositor upon such terms and conditions as the regulations prescribe. Return of deposit

37. An applicant for a certificate of approval for a waste management system or waste disposal site that it is proposed to establish, alter, enlarge or extend shall publish notice of his application in a newspaper having general circulation in the locality where the system or site is or is to be located, once a week for three successive weeks, and no certificate of approval

shall

shall be issued until the expiration of three weeks from the date of the last publication.

Information
to be
furnished

38. An applicant for a certificate of approval shall submit to the Director plans and specifications of the work to be undertaken together with such other information as the Director may require.

Powers of
Director

39.—(1) The Director after considering an application for a certificate of approval, may issue a certificate of approval or provisional certificate of approval.

Idem

(2) The Director may refuse to issue or renew a certificate of approval or a provisional certificate of approval or may suspend or revoke a certificate of approval or a provisional certificate previously issued, where,

- (a) the application does not comply with this Part and the regulations;
- (b) the waste management system or the waste disposal site does not comply with this Part and the regulations; or
- (c) the operation of the waste management system or the waste disposal site may create a nuisance or is not in the public interest or, in the opinion of the medical officer of health, may result in a hazard to public health.

Prohibition
as to deposit
of waste

40. No person shall deposit waste upon any land or land covered by water or in any building that is not a waste disposal site for which a certificate of approval or a provisional certificate of approval has been issued and except in accordance with the terms and conditions of such certificate.

Prohibition
as to use of
facilities,
etc.

41. No person shall use any facilities or equipment for the storage, handling, treatment, collection, transportation, processing or disposal of waste that is not part of a waste management system for which a certificate of approval or a provisional certificate of approval has been issued and except in accordance with the terms and conditions of such certificate.

Order for
removal of
waste

42.—(1) Where waste has been deposited upon any land or land covered by water or in any building that has not been approved as a waste disposal site, the Director may order the occupant or the person having charge and control of such land or building to remove the waste and to restore the site to a condition satisfactory to the Director.

(2) Where a person to whom an order is directed under subsection 1 fails to comply with the order, the Director may cause the necessary work to be done and charge such person with the cost thereof, which may be recovered with costs in any court of competent jurisdiction.

Action upon failure to comply with order

43. Where a waste management system or a waste disposal site is not in conformity with this Part or the regulations, the Director may order the owner to take such action as he may require to bring the system or the site into conformity with this Part or the regulations within the time specified in the order.

Order by Director

44. Where an owner fails to comply with an order under section 43, the Director may cause the necessary work to be done and charge the owner with the cost thereof which, in the case of an owner other than a municipality, may be deducted from the deposit mentioned in section 34, or may be recovered with costs in any court of competent jurisdiction.

Action upon non-compliance with order

45.—(1) Within thirty days after the receipt of notice that the Director has refused to renew or has suspended or revoked a certificate of approval, any owner who has suffered pecuniary loss as a result of such decision affecting his waste disposal site or waste management system may apply to the Director for compensation for such loss where such owner,

Right to compensation

- (a) has received a certificate of approval for the waste disposal site or waste management system affected by the Director's decision; and
- (b) since receiving such certificate of approval, has strictly complied with this Act and the regulations.

(2) A notice of the decision of the Director in disposing of the application and a notice stating the right to an appeal under this section shall be served on the owner either personally or by registered mail addressed to the owner at his last known address.

Notice of decision and right to appeal

(3) Within fifteen days after receipt of the notices referred to in subsection 2, the owner may by written notice received by the Department and the Board, appeal the amount of compensation, if any, to the Board, and such appeal shall be a hearing *de novo* and the Board may dismiss the appeal or alter the decision of the Director establishing the amount of the compensation, if any, and the decision of the Board shall be final.

Right to appeal

(4) Where the Director or the Board, as the case may be, has established the amount of the compensation, if any, the

Payment of compensation

Minister shall certify the amount thereof to the Treasurer of Ontario and the Treasurer shall pay such amount to the person entitled thereto out of the Consolidated Revenue Fund.

Former
disposal
sites

46. No use shall be made of land or land covered by water which has been used for the disposal of waste within a period of twenty-five years from the year in which such land ceased to be so used unless the approval of the Minister for the proposed use has been given.

Offences

47. Every person or municipality that contravenes any provision of this Part or the regulations or fails to comply with an order made under section 42 or 43 is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 for every day or part thereof upon which such offence occurs or continues.

Existing
applications,
certificates,
etc.

1970, c. 44

48.—(1) Every application for a certificate of approval, every refusal of a certificate of approval and every certificate of approval or provisional certificate of approval issued under *The Waste Management Act, 1970* shall be deemed to be made, refused or issued, as the case may be, under this Act.

Transfer of
proceedings

(2) Where any proceeding has been commenced before the Advisory Board or the Appeal Board under *The Waste Management Act, 1970*, such proceeding shall be transferred to the Board under this Act.

Subsisting
notices,
etc.

(3) Every notice, report, recommendation, decision and order made or given under *The Waste Management Act, 1970* shall be deemed to be made or given, as the case may be, under this Act.

Subsisting
regulations

(4) Every regulation made under *The Waste Management Act, 1970* that is in force immediately before this Act comes into force, shall remain in force until revoked by the regulations.

Continuation
of proceed-
ings

(5) The Board may continue any proceeding referred to in subsection 2 upon receipt of a transcript, and may require the preparation and delivery of such transcript, of the proceeding certified by the chairman or vice-chairman of the Advisory Board or the Appeal Board under *The Waste Management Act, 1970*, or may require the proceeding or any part thereof to be commenced *de novo*.

Powers and
duties of
Board when
proceedings
transferred

(6) For the purpose of a proceeding referred to in subsection 2, the Board has the like powers and duties as the Advisory Board or the Appeal Board, as the case may be, under *The Waste Management Act, 1970*.

PART VI

HERBICIDES AND PESTICIDES

49. In this Part,Interpre-
tation

- (a) "Director" means the Director of a branch of the Department designated by the Minister to administer this Part or the chairman of the Ontario Water Resources Commission when so designated by the Minister or both of them;
- (b) "extermination" means the destruction or control of insects, vermin, birds, rodents or other pests, fungi or vegetation by the deposit, addition, emission or discharge of any contaminant into the natural environment.

50.—(1) No person shall,Where
licence
or permit
required

- (a) carry out or attempt to carry out an extermination;
or
- (b) deposit, add, emit or discharge into the natural environment any substance that will or that is intended to alter the growth, development or characteristics of any vegetation or plant life,

without,

- (c) in the case of a person acting for fee or payment, a licence; or
- (d) in the case of a person acting without fee or payment, a permit,

issued by the Director.

(2) Subsection 1 does not apply to any class of persons or to substances or any quantity or concentration thereof exempted by the regulations.

Exceptions

51. Every licence holder shall insure against liability or furnish a bond in accordance with the regulations.

Liability
insurance

52. The Director may refuse to issue a permit or licence, and may suspend or revoke a permit or licence where the applicant, permit holder or licence holder, as the case may be,

Refusal,
suspension
or cancel-
lation of
permits and
licences

- (a) does not comply with the provisions of this Part and the regulations;
- (b) contravenes this Act or the regulations; or

(c)

- (c) is found guilty of incompetence, gross negligence, fraud or misrepresentation in carrying out or attempting to carry out an extermination or any action for which the permit or licence is issued.

Stop
order

53. Where the Director is of the opinion, based upon reasonable and probable grounds, that an extermination, or any action referred to in clause *b* of section 50 is dangerous to the health of any person, he may issue a stop order directed to the person carrying out or attempting to carry out the extermination or the said action.

Interim
provision
1967, c. 74

54.—(1) Every application, examination, licence, permit, order, bond and regulation made under *The Pesticides Act, 1967*, and every action and proceeding taken and subsisting thereunder immediately before this Part comes into force that relates to the subject matter of this Part shall continue to subsist and shall be deemed to be in effect under this Act until amended or revoked under this Act or the regulations.

Transitional
powers of
Director

(2) The Director may, upon the grounds referred to in section 52, refuse to issue a licence or permit or by order suspend or revoke a licence or permit referred to in subsection 1.

Offence

55. Every person who contravenes any provision of this Part or the regulations relating to this Part is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

PART VII

PRIVATE SEWAGE DISPOSAL SYSTEMS

Interpre-
tation

56. In this Part, "Director" means the Director of a branch of the Department designated by the Minister to administer this Part.

Certificate
of approval
R.S.O. 1970,
c. 332

57. No private sewage disposal system, except a system subject to the provisions of *The Ontario Water Resources Commission Act* and the regulations thereunder, shall be established unless a certificate of approval therefor has been issued by the Director.

Information
to be
furnished

58. An applicant for a certificate of approval under this Part shall submit to the Director plans and specifications of the work to be undertaken, together with such other information as the Director may require.

Conditions
precedent

59. The Director shall not issue a certificate under this Part where,

(a)

- (a) the application does not comply with this Part or the regulations; or
- (b) the private sewage disposal system or the plans and specifications thereof do not comply with the standards prescribed in the regulations.

60.—(1) Where the construction, operation or maintenance of any private sewage disposal system does not comply with the standards prescribed in the regulations, the Director may make such order as he considers necessary to prevent or lessen the emission of any pollutant or to reduce, regulate, control or eliminate pollution.

Powers of
Director

(2) When a person to whom an order is directed under subsection 1 fails to comply with the order, the Minister may cause the necessary work to be done and charge such person with the cost thereof which may be recovered with costs in any court of competent jurisdiction.

Action
upon non-
compliance
with order

61. No person shall,

- (a) repair, service, clean or empty any private sewage disposal system; or
- (b) construct, repair, service, clean or empty any private sewage disposal system,

Licence
required
to clean
or repair
private
sewage
disposal
systems

without a licence issued by the Director.

62. Any person who, in person or through an agent, representative or employee and any such agent, representative or employee who contravenes any provision of this Part or the regulations or any order of the Director made under this Part is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

Offences

PART VIII

LITTER

63. In this Part, "litter" includes any material left or abandoned in a place other than a receptacle or place intended or approved for receiving such material and "littering" has a corresponding meaning.

Interpre-
tation

64. The Minister, for the purposes of the administration and enforcement of this Part and the regulations, may conduct research and studies in the reprocessing, reusing or degradability

Powers of
Minister

degradability of packaging or containers and in the management and disposal of litter.

Littering
prohibited

65. No person shall abandon any material in a place, manner, receptacle or wrapping such that it is reasonably likely that the material will become litter.

Subsidies
and grants

66. The Minister may make grants to persons to assist in the provision of receptacles to receive litter in such amounts and upon such terms and conditions as the regulations may prescribe.

Use or sale
of packaging
contrary to
regulations

67. No person shall use, offer or expose for sale or sell, for use in Ontario, any packaging, container or material for packaging or containers contrary to this Act or the regulations.

Offences

68. Any person, whether acting personally or through an agent, representative or employee, and any such agent, representative or employee who contravenes any provision of this Part or the regulations is guilty of an offence and on summary conviction is liable on first conviction to a fine of not more than \$100 and on each subsequent conviction to a fine of not more than \$1,000.

PART IX

CONTROL ORDERS AND STOP ORDERS

Interpre-
tation

69. In this Part, "Director" means,

- (a) The Director of the Air Management Branch of the Department;
- (b) the Director of the Waste Management Branch of the Department;
- (c) the chairman of the Ontario Water Resources Commission when so designated by the Minister; and
- (d) such other Directors of branches of the Department as may be designated by the Minister to administer any Part or Parts of this Act.

Control
orders

70. The Director may, where he is authorized by this Act to issue an order known as a "control order", order the person to whom it is directed to do any one or more of the following, namely,

- (a) to limit or control the rate of addition, emission or discharge of the contaminant into the natural environment in accordance with the directions set out in the order;

(b)

(b) to stop the addition, emission or discharge of the contaminant into the natural environment,

(i) permanently,

(ii) for a specified period, or

(iii) in the circumstances set out in the order;

(c) to comply with any directions set out in the order relating to the manner in which the contaminant may be added, emitted or discharged into the natural environment;

(d) to comply with any directions set out in the order relating to the procedures to be followed in the control or elimination of the addition, emission or discharge of the contaminant into the natural environment; and

(e) to install, replace or alter any equipment or thing designed to control or eliminate the addition, emission or discharge of the contaminant into the natural environment.

71. Subject to section 79, when a copy of a control order ^{Compliance with control order} is served upon the person to whom it is directed, that person,

(a) shall comply with the order forthwith; or

(b) shall, if the order sets out a future date by which it is to be complied with, comply with the order on or not later than such future date.

72. The Director may, by a further order, ^{Further order} amend, vary or revoke a control order made under this Act and in each case shall cause a copy of the order to be served on the person to whom the order so amended, replaced or revoked was directed.

73.—(1) Where the Director proposes to issue a control order, ^{Where Director proposes to issue control order} he shall serve notice of his intention, together with written reasons therefor and a copy of the report of the provincial officer or other person designated under this Act upon which the reasons are based, and shall not issue the control order until fifteen days after the service thereof.

(2) The person to whom the Director intends to issue the control order ^{Submissions to Director} may make submissions to the Director at any time before the control order is issued.

Content of
stop order

74. The Director may, where he is authorized by this Act to issue an order known as a "stop order", order the person to whom it is directed to immediately stop or cause the source of contaminant to stop adding to, emitting or discharging into the natural environment any contaminant either permanently or for a specific period of time.

Form of
stop order

75. A stop order shall be in writing and shall include written reasons for the order.

Compliance
with stop
order

76.—(1) When a copy of a stop order is served upon the person to whom it is directed, that person shall comply with the order immediately.

Revocation
of stop
order

(2) The Director may by a further order revoke a stop order and in such case shall cause a copy of the order to be served on the person to whom the stop order was directed.

PART X

APPEAL BOARD

Pollution
Control
Appeal
Board
established

77.—(1) A board to be known as the Pollution Control Appeal Board is hereby established and shall consist of not fewer than five persons appointed by the Lieutenant Governor in Council, who shall hold office during pleasure and none of whom shall be members of the public service in the employ of the Department.

Chairman
and vice-
chairman

(2) The Lieutenant Governor in Council may appoint one of the members of the Appeal Board as chairman and another of the members as vice-chairman.

Quorum

(3) Three members of the Appeal Board constitute a quorum.

Remunera-
tion

(4) The members of the Appeal Board shall be paid such remuneration and expenses as the Lieutenant Governor in Council from time to time determines.

When
Director
refuses
approval,
etc.

78.—(1) When the Director,

- (a) refuses to give his approval of plans and specifications;
- (b) requires a condition precedent to the giving of his approval;
- (c) refuses to issue a certificate of approval or a provisional certificate of approval;
- (d) refuses to renew a certificate of approval or a provisional certificate of approval; or

(e)

- (e) suspends or revokes a certificate of approval or a provisional certificate of approval,

he shall serve notice upon the applicant or holder, as the case may be, together with written reasons therefor, and the applicant or holder may, by written notice served upon the Director and the Board within fifteen days after the service of the notice, require a hearing by the Board.

(2) When the Director,

When
Director
refuses
licence or
permit

- (a) refuses to issue, or cancels or suspends a licence or permit;
- (b) imposes terms and conditions in issuing a licence or permit or certificate of approval or provisional certificate of approval; or
- (c) alters the terms and conditions of a licence or permit after it is issued,

the Director shall serve notice together with written reasons therefor upon the applicant or the person to whom the licence or permit or certificate of approval or provisional certificate of approval is issued, as the case may be, and the applicant or person may, by written notice served upon the Director and the Board within fifteen days after the service of the notice, require a hearing by the Board.

79.—(1) A person to whom an order of the Director is directed may, by written notice served upon the Director and the Board within fifteen days after service upon him of a copy of the order, require a hearing by the Board.

Appeal
of order

(2) No order, except a stop order, shall be enforced until final disposition of an appeal, if any, or until the time for taking an appeal against the order has passed.

Enforcement
of order

80.—(1) A hearing by the Board shall be a hearing *de novo* and the Board may confirm, alter or revoke the order, refusal or requirement that is the subject of the hearing.

Powers of
Board

(2) A party to a hearing before the Board may, within thirty days after receipt of the decision of the Board, appeal on a question of law to the county court of the county or district in which is located the source of contaminant, waste disposal site or waste management system which gives rise to the hearing before the Board.

Appeal to
county
court

(3) A party to a hearing before the Board may, within thirty days after receipt of the decision of the Board or

Appeal to
Minister

within

within thirty days after final disposition of an appeal, if any, under subsection 2, appeal in writing to the Minister on any matter other than a question of law and the Minister shall confirm, alter or revoke the decision of the Board as to the matter in appeal as he considers in the public interest.

Parties to
hearing

81. The person requiring the hearing, the Director and any other person specified by the Board are parties to the hearing.

PART XI

PROVINCIAL OFFICERS

Designation
of provincial
officers

82. The Minister may designate officers of the Department and the Lieutenant Governor in Council may designate other persons as provincial officers for the purposes of,

(a) this Act and the regulations; or

(b) specific parts or sections of this Act and the regulations thereunder.

Survey by
provincial
officer

83.—(1) A provincial officer may survey from time to time anything that he has reason to believe is or may be a source of contaminant, and after completing such survey shall report his findings and his recommendations.

Report to
be sent to
Department
and person
responsible

(2) The provincial officer shall file his report of his findings and recommendations with the Department and shall serve upon the person responsible for the source of contaminant a copy thereof.

Powers of
provincial
officer

84.—(1) For purposes relevant to the subject matter of an investigation under this Act or the regulations, a provincial officer may, upon production of his designation under section 82, enter any premises other than a dwelling at any reasonable time and make or require to be made such examinations, tests and inquiries as may be relevant to the subject matter of the investigation.

Conditions
precedent
to order

(2) Where a provincial judge is satisfied, upon an *ex parte* application by a provincial officer, that there is reasonable ground for believing that it is necessary to enter any premises for purposes relevant to the subject matter of an investigation under this Act or the regulations, the provincial judge may, whether or not any examinations, tests or inquiries have been made or attempted under subsection 1, issue an order authorizing a provincial officer to enter such premises and

to make or require to be made such examinations, tests and inquiries as may be relevant to the subject matter of the investigation, but every such entry, examination, test and inquiry shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the provincial officer to make the investigation at night.

(3) Every person responsible for a source of contaminant Information shall furnish such information as a provincial officer requires for the purposes of this Act or the regulations.

85. Whenever a provincial officer is required or empowered by this Act or the regulations to do or direct the doing of anything, such provincial officer may take such steps and employ such assistance as is necessary to accomplish what is required, and may, when obstructed in so doing, call for the assistance of any member of the Ontario Provincial Police Force or the police force in the area where the assistance is required and it is the duty of every member of a police force to render such assistance. Calling for assistance of member of police force

86. No person responsible for a source of contaminant shall hinder or obstruct a provincial officer in the lawful performance of his duties or furnish a provincial officer with false information or refuse to furnish him with information. Obstruction of provincial officer

87.—(1) Except as to information in respect of the deposit, addition, emission or discharge of a contaminant into the natural environment, every provincial officer shall preserve secrecy in respect of all matters that come to his knowledge in the course of any survey, examination, test or inquiry under this Act or the regulations and shall not communicate any such matters to any person except, Matters confidential

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations;
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

(2) Except in a proceeding under this Act or the regulations, no provincial officer shall be required to give testimony, other than testimony in respect of the deposit, addition, emission or discharge of a contaminant into the natural environment, in any civil suit or proceeding with regard to information obtained by him in the course of any survey, examination, test or inquiry under this Act or the regulations. Testimony in civil suit

PART XII

ENVIRONMENTAL COUNCIL

Interpre-
tation

88. In this Part, "Council" means the Environmental Council.

Environ-
mental
Council
established

89.—(1) A council to be known as the Environmental Council may be established and shall consist of not fewer than seven and not more than eleven persons appointed by the Lieutenant Governor in Council, each to hold office for a term of not more than three years.

Chairman
and vice-
chairman

(2) The Lieutenant Governor in Council may appoint one of the members of the Council as chairman and another of the members as vice-chairman.

Members

(3) The composition of the Council shall be such as to provide for competent and knowledgeable persons in matters relating to the natural environment.

Vacancies

(4) Vacancies in the membership of the Council may be filled by the Lieutenant Governor in Council.

Remunera-
tion

(5) The members of the Council shall be paid such remuneration and expenses as the Lieutenant Governor in Council from time to time may determine.

Duties of
Council

90. The Council, through its chairman, shall,

(a) advise the Minister as to the results of current research related to,

(i) pollution, and

(ii) the natural environment; and

(b) consider any matter affecting the quality of the environment which the Council or the Minister deems advisable and advise the Minister thereon through its chairman.

PART XIII

MISCELLANEOUS

Interpre-
tation

91. In this Part, "Director" means,

(a) the Director of the Air Management Branch of the Department;

(b)

- (b) the Director of the Waste Management Branch of the Department; and
- (c) the chairman of the Ontario Water Resources Commission when so designated by the Minister; and
- (d) such other Directors of branches of the Department as may be designated by the Minister to administer any Part or Parts of this Act.

92.—(1) Where a person complains that a contaminant is causing or has caused injury or damage to live stock or to crops, trees or other vegetation which may result in economic loss to such person, he may, within fourteen days after the injury or damage becomes apparent, request the Minister to conduct an investigation. Where contaminant causes damage to crops or live stock

(2) Upon receipt of a request, the Minister may cause an investigation to be made and a report prepared of the findings of the investigation. Request for investigation

(3) A copy of the report shall be given to the claimant and to the person responsible for the source of contaminant alleged to be the cause of the injury or damage. Report of investigation to view

(4) The claimant shall permit the person responsible for such source of contaminant or his agent to view the injury or damage and to remove samples and conduct tests and examinations as may be reasonably necessary to establish the cause of the injury or damage. Right of person responsible to view damage, etc.

(5) A board of negotiation shall be established consisting of two or more members appointed by the Lieutenant Governor in Council, one of whom may be designated as chairman. Board of negotiation

(6) Any two members of the board of negotiation constitutes a quorum and are sufficient to perform all the functions of the board on behalf of the board. Quorum

(7) The board of negotiation may sit at any place in Ontario. Place of sitting

(8) If a complainant who has requested an investigation under subsection 1 desires to have his claim for injury or damage negotiated by the board of negotiation, he shall notify the Minister and the person responsible for the source of contaminant alleged to be the cause of the injury or damage of the amount of his claim within a reasonable time after the amount can be determined. Notice of amount of claim

Notice of
negotiation

(9) If the claimant and the person responsible are not able to settle the claim within thirty days after notice of the claim is given to the Minister under subsection 8, the claimant or the person responsible may serve notice of negotiation upon the other of them and upon the board of negotiation stating that he requires a settlement of the claim to be negotiated by the board of negotiation.

Negotiation
proceedings

(10) Upon receipt of a notice of negotiation, the board of negotiation shall assess the injury or damage in respect of which the claim is made and, upon reasonable notice to the claimant and to the person responsible, shall meet with them and, without prejudice to any subsequent proceedings, proceed in a summary and informal manner to negotiate a settlement of the claim.

Consents,
notices, etc.,
as evidence

93. Any consent, notice, licence, permit, approval, order or certificate purporting to be signed by the Director or the Minister or by such officer of the Department as is designated in the regulations, or any certified copy, is receivable in evidence in any action, prosecution or other proceeding as *prima facie* proof of the facts set out therein without proof of the signature or the official position of the person appearing to have signed it.

Regulations

94.—(1) The Lieutenant Governor in Council may make regulations,

- (a) classifying contaminants and sources of contaminants and exempting any classes from the provisions of this Act and the regulations;
- (b) prohibiting or regulating and controlling the depositing, addition, emission or discharge of any contaminant or contaminants into the natural environment from any source of contaminant or any class thereof;
- (c) prescribing maximum permissible amounts, concentrations or levels of any contaminant or combination of contaminants and any class of either of them;
- (d) prescribing methods or standards, or both, for determining the amount, concentration or level of any contaminant, combination of contaminants or any class of either of them;
- (e) defining the desirable quality criteria of the natural environment;

(f)

- (f) classifying persons for the purposes of this Act and exempting any class from any provision thereof;
- (g) classifying plants, structures and things, prescribing classes thereof that shall not be constructed, altered or modified unless the plans and specifications thereof are approved by the Director, and prescribing classes thereof for which the approval of the Director as to the plans and specifications is not required;
- (h) prescribing the details that shall be set out in plans and specifications submitted to the Director for approval;
- (i) prescribing the amounts of grants and the terms and conditions of such grants;
- (j) regulating, restricting or prohibiting the installation, use, movement, handling, maintenance, storage or disposal of sources of ionizing radiation;
- (k) amending or revoking in whole or in part the regulations made under *The Air Pollution Control Act, 1967*; 1967, c. 2
- (l) prescribing the maximum permissible concentration or level in water of any contaminant either generally or with respect to any part of the water of Ontario specified in the regulations;
- (m) prescribing methods for determining the concentration or level in water of any contaminant, either generally or with respect to any part of the water of Ontario specified in the regulations, for the purposes of the regulations;
- (n) prescribing maximum permissible changes in temperatures of water, either generally or with respect to any part of the water of Ontario specified in the regulations;
- (o) prescribing fees that may be charged and collected by the Department for copies of documents, maps, plans and drawings supplied by the Department;
- (p) regulating the quality of fuels that may be used for heating, generating steam or electricity, for industrial processes or for incineration.

(2) The Lieutenant Governor in Council may make regulations relating to Part III, Regulations
relating to
Part III

(a)

- (a) classifying motors and motor vehicles for the purpose of any regulation and exempting any class or type of motor or motor vehicle from any regulation;
- (b) regulating or prohibiting the operation in all or any part of Ontario of any class or type of motor or motor vehicle in order to lessen or prevent the emission of any pollutant into the natural environment;
- (c) requiring motors or motor vehicles or any class or type of motor or motor vehicle to have installed thereon or incorporated therein one or more systems or devices to prevent or lessen the emission of any contaminant into the natural environment, prescribing the standards and specifications of any such system or device, prescribing the standards of emission of any contaminant into the natural environment with which any such system or device shall comply and providing for testing and inspection of any such system or device;
- (d) prescribing the standards of emission into the natural environment of any contaminant by any motor or motor vehicle or any class or type of motor or motor vehicle and providing for the testing and inspection of any such motor, motor vehicle, class or type;
- (e) regulating the quality of motor fuels and additives used or intended for use in motor fuels in Ontario.

Regulations
relating to
Part IV

(3) The Lieutenant Governor in Council may make regulations relating to Part IV,

- (a) requiring and regulating the storage, treatment and disposal of sewage in boats and ships or any class or classes thereof and the equipment therefor, and prohibiting the use and installation of equipment for the storage, treatment or disposal of sewage in boats and ships or any class or classes thereof unless the equipment and installation thereof conform to the regulations, and providing for and requiring the approval of the Director for any such equipment, and prohibiting and regulating the discharge of sewage from such boats and ships or any class or classes thereof;
- (b) regulating and controlling, for the purpose of preventing or reducing the pollution of any water, places or any class or classes thereof located on or

adjacent

adjacent to any water where moorings are provided for boats or ships or where any services are provided for boats or ships or the occupants thereof, and regulating and governing persons providing such moorings or services, or any class or classes thereof;

- (c) defining sewage for the purposes of regulations made under clauses *a* and *b*.

(4) The Lieutenant Governor in Council may make regulations relating to Part V, Regulations
relating to
Part V

- (a) designating wastes in addition to those specified in clause *d* of section 28, and exempting any wastes from this Part and the regulations or any provision thereof, and prescribing terms and conditions for such exemption;
- (b) classifying waste management systems and waste disposal sites, and exempting any class thereof from this Part or the regulations or any provision thereof, and prescribing terms and conditions for such exemption;
- (c) providing for the issue of certificates of approval and provisional certificates of approval for waste management systems or waste disposal sites, or any class thereof, prescribing terms and conditions upon which such certificates may be issued, and providing for determining the terms and conditions that may be attached thereto;
- (d) governing and regulating the management of waste and prescribing standards for waste management systems and for the location, maintenance and operation of waste disposal sites, or any class thereof;
- (e) governing the location of waste disposal sites and designating parts of Ontario in which no waste disposal sites, or any class thereof, shall be established or operated;
- (f) prescribing the amounts and conditions of deposits and bonds and sureties for the purpose of section 34, and prescribing the terms and conditions upon which deposits may be returned under section 36;
- (g) prescribing the records that shall be kept by operators of waste management systems and waste disposal sites and the reports that shall be made by such operators;

(h)

(h) prescribing the form of application and the procedure to be followed in applying for any compensation under this Part;

1970, c. 44

(i) amending or revoking in whole or in part the regulations made under *The Waste Management Act, 1970*.

Regulations
relating to
Part VI

(5) The Lieutenant Governor in Council may make regulations relating to Part VI,

(a) prescribing classes of permit holders and licence holders, and exempting any such class from any provision of Part VI or any regulation made under this subsection and attaching conditions to any such exemption;

(b) prescribing the qualifications of permit holders and licence holders, providing for the examination of applicants for permits and licences, and prescribing fees for such examinations;

(c) providing for the issue and renewal of permits and licences, and prescribing the fees therefor;

(d) requiring applicants for permits and licences, or any classes thereof, to undergo medical examinations;

(e) fixing the amount and type of insurance or bond that shall be carried or furnished by permit holders or licence holders and prescribing the form, requirements and terms thereof;

(f) prescribing the procedures, conditions and notices for exterminations;

(g) exempting any substance, machine, apparatus, equipment, or class thereof, or any land from Part VI or any regulation made under this subsection, or any provision thereof;

(h) regulating or prohibiting the installation, operation, maintenance and use of any machine, apparatus or equipment used for extermination;

(i) governing the signs, marking or other identification of vehicles or machines used in exterminations;

(j) governing, regulating or prohibiting the use, handling or storage of substances used for extermination;

(k)

- (k) classifying and designating substances used for extermination, and prohibiting any class of licence holders or permit holders from using such substances or any of them;
- (l) requiring and providing for the registration of persons who sell or offer for sale or distribute any designated substance used for extermination;
- (m) requiring persons who handle or use any designated substance used for extermination to undergo medical examination and supervision, and providing for such medical examination and supervision;
- (n) regulating the type of containers for substances used for extermination, other than the containers in which such substances are sold or offered for sale, and the labelling thereof;
- (o) regulating the disposal of containers of any substance used for extermination;
- (p) prescribing the records to be kept and returns to be made by persons licensed under the regulations.

(6) The Lieutenant Governor in Council may make regulations relating to Part VII, Regulations
relating to
Part VII

- (a) prescribing standards for the construction, operation and maintenance of private sewage disposal systems;
- (b) prescribing standards, methods and equipment for the cleaning, disinfecting and emptying of private sewage disposal systems;
- (c) classifying private sewage disposal systems and exempting any class thereof from Part VII or the regulations or any provision thereof and prescribing terms and conditions for such exemptions;
- (d) providing for the issue of certificates of approval for private sewage disposal systems, or any class thereof, prescribing terms and conditions on which such certificates may be issued, and providing for determining the terms and conditions that may be attached thereto;
- (e) governing the location of private sewage disposal systems;

(f)

- (f) designating areas in which any class of private sewage disposal system may not be established or operated;
- (g) prescribing classes of licence holders and exempting any class from any provision of Part VII or any regulation made under this subsection, and attaching conditions to any such exemption;
- (h) prescribing the qualification of licence holders, providing for the examination of applicants for licences and prescribing the fees for such examinations;
- (i) providing for the issue and renewal of licences and the fees therefor;
- (j) prescribing the records to be kept and the returns to be made by persons to whom a licence has been granted.

Regulations
relating to
Part VIII

(7) The Lieutenant Governor in Council may make regulations relating to Part VIII,

- (a) classifying packaging and containers and exempting any class thereof from any provision of this Part or the regulations;
- (b) requiring payment of a deposit at the time of purchase of any material packaged or contained in any class of packaging or container and regulating the amount, terms and conditions of deposits;
- (c) designating classes of packaging and containers as returnable and designating the persons to whom such returns may be made;
- (d) regulating the amount to be paid for the return of any class of packaging or container and the amount, terms and conditions of such payment;
- (e) classifying materials or any combination of materials used as packaging or containers and regulating or prohibiting the use or sale for use in Ontario of any class thereof;
- (f) governing the material of the packaging or containers in any class of packaging or containers used or sold for use in Ontario;
- (g) requiring and governing the placing of receptacles to receive litter and governing the capacity, design and construction of such receptacles;

(h)

- (h) prescribing the amounts of grants to persons to assist in the provision of receptacles to receive litter, and the terms and conditions of such grants.

95.—(1) Any regulation may be general or particular in its application and may be limited as to time or place or both. Scope of regulations

(2) Any regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code, formula, standard or procedure, and may require compliance with any code, standard or procedure so adopted. Adoption of codes in regulations

96. Where a conflict appears between any provision of this Act or the regulations and any other Act or regulation in a matter related to the natural environment or a matter specifically dealt with in this Act or the regulations, the provision of this Act or the regulations shall prevail. Conflict

97. In any prosecution, proceeding or hearing under this Act or the regulations, the production of a certificate or report of an analyst of the Department as to the analysis, description, ingredients, quality, quantity or temperature of any material, whether solid, liquid or gas, or any combination of them, is *prima facie* evidence of the facts stated therein and of the authority of the person making the certificate or report without any proof of appointment or signature. Certificate of analysis as evidence

98.—(1) Any notice, decision or other document required to be given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department. Service

(2) Where service is made by registered mail, the service shall be deemed to be made on the fifth day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date. When service deemed made

99. Where the Minister or the Director has authority to order or require that any matter or thing be done, the Minister may order that, in default of its being done by the person ordered or required to do it, such matter or Enforcing performance of things required to be done

thing

thing shall be done at the expense of such person, and the Minister may recover the cost of doing it, with costs, by action in a court of competent jurisdiction as a debt due to the Crown by such person.

Power to
restrain
by action

100. Where any provision of this Act or the regulations or any direction, order, approval, notice or permit, made, granted, given, served or issued by the Minister or the Director under this Act is contravened, in addition to any other remedy and to any penalty imposed by law, such contravention may be restrained by action at the instance of the Minister.

False
information

101. No person shall give false information in any application, return or statement made to the Minister or the Director in respect of any matter under this Act or the regulations.

Offence

102.—(1) Except as otherwise provided in this Act, every person, whether as principal or agent, or an employee of either of them, who contravenes any provision of this Act or the regulations or fails to comply with an order made under this Act is guilty of an offence and on summary conviction is liable on a first conviction to a fine of not more than \$5,000 and on each subsequent conviction to a fine of not more than \$10,000 for every day or part thereof upon which such offence occurs or continues.

Exception
when order
or program
approval
complied
with

(2) Notwithstanding subsection 1, a person to whom an order or program approval of the Minister or the Director is directed who complies fully with the order or approval shall not be prosecuted for or convicted of an offence in respect of the matter or matters dealt with in the order or approval.

Application
of Part VII

103. Part VII of this Act applies in such areas in Ontario as are designated by the Lieutenant Governor in Council by his proclamation.

Repeal
R.S.O. 1970,
cc. 16, 491

104. *The Air Pollution Control Act* and *The Waste Management Act* are repealed.

Commence-
ment

105.—(1) This Act, except sections 57, 58, 59, 60, 61 and 62, comes into force on the 11th day of August, 1971.

Idem

(2) Sections 57, 58, 59, 60, 61 and 62 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

106. This Act may be cited as *The Environmental Protection Act, 1971*.

CHAPTER 87

**An Act to amend
The Northern Ontario Development
Corporation Act**

*Assented to July 28th, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 3 of section 6 of *The Northern Ontario Development Corporation Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 299, s. 6,
subs. 3,
cl. a,
re-enacted

- (a) exceed one-third of the first \$250,000 of the cost of the undertaking and one-quarter of the balance of the cost thereof, or \$500,000, whichever is the lesser, but where a majority of the ownership and the control of an undertaking is held by a Canadian citizen or Canadian citizens, a loan under the said clause *c* may be made up to an amount not exceeding 50 per cent of the cost of the undertaking or \$500,000, whichever is the lesser.

2. This Act shall be deemed to have come into force on the 6th day of May, 1971.

Commence-
ment

3. This Act may be cited as *The Northern Ontario Development Corporation Amendment Act, 1971*.

Short title

CHAPTER 88

An Act to amend The Liquor Control Act*Assented to July 28th, 1971**Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Liquor Control Act* is amended by adding thereto the following section: R.S.O. 1970,
c. 249,
amended

90a.—(1) In this section,

Interpre-
tation

(a) “detoxification centre” means a public hospital designated under subsection 2;

(b) “municipality” means a municipality responsible for maintaining a police force.

(2) The Lieutenant Governor in Council may by regulation designate any public hospital as a detoxification centre. Designation
of detoxifica-
tion centres

(3) Where a constable or other police officer finds a person in a public place apparently in contravention of subsection 2 of section 68, he may take such person into custody and, in lieu of laying an information in respect of the contravention, may escort the person to a detoxification centre. Taking to
detoxification
centre in lieu
of charge

(4) No action or other proceedings for damages shall be instituted against any physician or any hospital or officer or employee thereof in respect of the examination or treatment of a person in a detoxification centre under subsection 3 who is brought to the centre by a constable or other police officer. Protection
from
liability

2. Section 102 of *The Liquor Control Act* is repealed and the following substituted therefor: R.S.O. 1970,
c. 249, s. 102,
re-enacted

All prosecu-
tions may
be before
justice

102. All prosecutions under this Act, whether for the recovery of a penalty or otherwise, shall take place before a provincial judge having jurisdiction or before a justice of the peace where no such provincial judge is available.

Commence-
ment

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

4. This Act may be cited as *The Liquor Control Amendment Act, 1971*. (No. 2).

CHAPTER 89

An Act to amend The Department of Education Act

*Assented to July 28th, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Department of Education Act* is amended by striking out "For the purpose of recording attendance, the Minister may require to be added to the actual aggregate attendance of a school the number of days attendance lost by pupils" in the first, second and third lines and inserting in lieu thereof "The Minister may, in respect of a school, require to be included in the enrolment on any date the number of pupils". R.S.O. 1970,
c. 111, s. 5,
amended

2. Subsection 2 of section 6 of *The Department of Education Act* is repealed and the following substituted therefor: R.S.O. 1970,
c. 111, s. 6,
subs. 2,
re-enacted

- (2) Where a school or class is closed for a specified period under subsection 1, the pupils in such school or class shall for all purposes, including the calculation of general legislative grants and fees, be deemed to be in attendance. Pupils
deemed in
attendance

3.—(1) Subsection 1 of section 12 of *The Department of Education Act* is amended by adding thereto the following paragraph: R.S.O. 1970,
c. 111, s. 12,
subs. 1,
amended

2a. defining and governing evening classes.

evening
classes

(2) Paragraph 9 of subsection 1 of the said section 12 is amended by adding at the end thereof "and letters of standing", so that the paragraph shall read as follows: R.S.O. 1970,
c. 111, s. 12,
subs. 1,
par. 9,
amended

9. governing the granting of permanent, temporary, interim, special and other certificates of qualification, and letters of standing. certificates
and letters
of standing

R.S.O. 1970,
c. 111, s. 12,
subs. 4, cl. b,
amended

(3) Clause *b* of subsection 4 of the said section 12 is amended by striking out "governing the renewal of municipal recreation directors' interim certificates" in the second, third and fourth lines and inserting in lieu thereof "arena managers' certificates", so that the clause shall read as follows:

- (b) governing the granting of municipal recreation directors' interim and permanent certificates and arena managers' certificates.

R.S.O. 1970,
c. 111, s. 12,
subs. 4, cl. c,
subcl. i,
re-enacted

(4) Subclause *i* of clause *c* of subsection 4 of the said section 12 is repealed and the following substituted therefor:

- (i) the council of a municipality, county or district or regional municipality to appoint a recreation committee with the approval of the Minister, or the councils of two or more municipalities having a combined population of under 25,000 to appoint a joint recreation committee with the approval of the Minister.

R.S.O. 1970,
c. 111, s. 12,
subs. 5,
re-enacted

(5) Subsection 5 of the said section 12 is repealed and the following substituted therefor:

Interpre-
tation

- (5) In subsection 4,

(a) "physical education" includes recreation for crippled persons under the age of nineteen years; and

(b) "programs of recreation" include arena management.

R.S.O. 1970,
c. 111, s. 15,
repealed

4. Section 15 of *The Department of Education Act* is repealed.

R.S.O. 1970,
c. 111,
amended

5. *The Department of Education Act* is amended by adding thereto the following section:

Variation
of scholar-
ships and
awards
R.S.O. 1970,
c. 166

21.—(1) Where the educational object of a gift or bequest accepted by the Treasurer of Ontario under section 15 of *The Financial Administration Act* is the establishment of a scholarship or an award that is available to one or more students in an elementary or a secondary school or a teacher training institution and,

- (a) the selection of the recipient of the scholarship or award is based upon an examination which is no longer given;

(b)

- (b) the school or teachers' college at which attendance is required for eligibility is no longer operated;
- (c) reference to a county or a board in the terms and conditions of the gift or bequest is no longer appropriate by reason of the establishment of a regional municipality or a divisional board of education; or
- (d) the course or program of instruction specified in the terms and conditions is no longer available, or is no longer available at the school or teachers' college,

the Lieutenant Governor in Council on the recommendation of the Minister may, from time to time, vary the terms and conditions of the gift or bequest in respect of the qualifications for eligibility for the scholarship or award so as to ensure that such scholarship or award will be granted or given under such terms and conditions as in the opinion of the Minister most nearly approximate those of the original gift or bequest, and the Minister may delegate his powers under the original terms and conditions of such gift or bequest to a representative of the board, or the educational institution, granting the scholarship or making the award, pursuant to any variation in the terms and conditions of the gift or bequest made under this section.

- (2) In the case of an award in the form of a repayable loan for which no person has made application for seven consecutive years, the Lieutenant Governor in Council, on the recommendation of the Minister and with the written consent of the person making the gift or the trustee of the person making the bequest, may capitalize the fund and any interest accrued thereon held by the Treasurer of Ontario, and may change the educational object of the gift or bequest to another object of an educational nature, in which case the provisions of subsection 1 shall apply *mutatis mutandis*. Where award is repayable loan

6.—(1) This Act, except sections 1, 2 and 4, comes into Commence-
ment force on the day it receives Royal Assent.

Idem

(2) Sections 1 and 2 shall be deemed to have come into force on the 1st day of January, 1971.

Idem

(3) Section 4 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

7. This Act may be cited as *The Department of Education Amendment Act, 1971*.

CHAPTER 90

**An Act to amend
The Schools Administration Act**

*Assented to July 28th, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 1 of *The Schools Administration Act* is amended by adding thereto the following paragraph: R.S.O. 1970, c. 424, s. 1, subs. 2, amended

1a. “average daily enrolment” for a calendar year means the number obtained by adding,

i. the sum of,

- a. the product of 0.3 and the number of pupils registered for full-day attendance on the last school day in each of the months of January and April,
- b. the product of 0.4 and the number of pupils registered for full-day attendance on the last school day in September,
- c. the product of 0.15 and the number of pupils registered for half-day attendance on the last school day in each of the months of January and April, and
- d. the product of 0.2 and the number of pupils registered for half-day attendance on the last school day in September, and

ii. the result obtained by,

- a. multiplying, for each summer-school course and for each evening course established by the board, the number

of

of pupils enrolled in the course by one-fifth of the number of hours of instruction in the course,

- b. ascertaining the sum of the products obtained under sub-subparagraph a,
- c. subtracting from the sum obtained under sub-subparagraph b, one-fifth of the number of hours lost as a result of late registrations or early withdrawals for any cause by all pupils enrolled in such courses, and
- d. dividing the result obtained under sub-subparagraph c by the number of school days in the calendar year.

R.S.O. 1970,
c. 424, s. 1,
subs. 2,
par. 17,
repealed

(2) Paragraph 17 of subsection 2 of the said section 1 is repealed.

R.S.O. 1970,
c. 424, s. 16,
subs. 1,
amended

2.—(1) Subsection 1 of section 16 of *The Schools Administration Act* is amended by striking out “and the teacher’s salary shall be payable in ten monthly payments in the manner provided therein” in the tenth, eleventh and twelfth lines, so that the subsection shall read as follows:

Memorandum
of contract

- (1) A memorandum of every contract of employment between a board and a permanent teacher or a probationary teacher shall be made in writing in the form of contract prescribed by the regulations, signed by the parties, sealed with the seal of the board and executed before the teacher enters upon his duties, but if for any reason such memorandum is not so made, or has not been amended to incorporate any change made in the form of contract so prescribed, every contract shall be deemed to include the terms and conditions contained in the form of contract prescribed for a permanent teacher.

R.S.O. 1970,
c. 424, s. 16,
subs. 9,
repealed

- (2) Subsection 9 of the said section 16 is repealed.

R.S.O. 1970,
c. 424, s. 17,
repealed

- 3.** Section 17 of *The Schools Administration Act* is repealed.

R.S.O. 1970,
c. 424, s. 26,
amended

- 4.** Section 26 of *The Schools Administration Act* is amended by adding thereto the following subsection:

Direction
to judge

- (1a) Where, under subsection 1, a judge is directed after the expiry of the thirty days referred to therein to act as chairman of a Board of Reference, the

failure

failure to make the direction within the thirty day period does not invalidate the Board of Reference or the appointment of the judge as chairman thereof, provided the Board of Reference is granted in accordance with subsection 1.

5.—(1) Paragraph 18 of section 34 of *The Schools Administration Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 424, s. 34, par. 18, re-enacted

18. invest moneys not required immediately by the idem board in bonds, debentures or other evidences of indebtedness of, or guaranteed by, the Government of Canada or the Province of Ontario, in term deposits with any chartered bank or in term deposits with, or guaranteed investment certificates or debentures of, any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*, or lend such moneys to any municipality by way of promissory note of the municipality, provided that the bonds, debentures or other evidences of indebtedness, term deposits, guaranteed investment certificates or promissory notes, become due and payable before the moneys invested therein are required by the board, and all interest thereon shall be credited to the fund from which the moneys are invested. R.S.O. 1970, c. 254

(2) Paragraph 21 of the said section 34 is amended by adding at the end thereof "by action in the small claims court, and exclude any pupil by or on behalf of whom fees that are legally required to be paid are not paid after reasonable notice", so that the paragraph shall read as follows: R.S.O. 1970, c. 424, s. 34, par. 21, amended

21. subject to the provisions of this Act and the student fees Act under which the school is operated, fix the fees to be paid by or on behalf of pupils, and the times of payment thereof, and when necessary enforce payment thereof by action in the small claims court, and exclude any pupil by or on behalf of whom fees that are legally required to be paid are not paid after reasonable notice.

(3) Paragraph 24 of the said section 34 is amended by striking out "and exclude any pupil by or on behalf of whom fees are legally required to be paid if such fees are not paid after reasonable notice" in the third, fourth and fifth lines, so that the paragraph shall read as follows: R.S.O. 1970, c. 424, s. 34, par. 24, amended

expel
pupils

24. expel, on the report of the principal, any pupil whose conduct is deemed to be so refractory that his presence in school is injurious to other pupils.

R.S.O. 1970,
c. 424, s. 34,
par. 43,
re-enacted

- (4) Paragraph 43 of the said section 34 is repealed and the following substituted therefor:

assumption
of treatment
centres, etc.

43. when requested by the board of a cerebral palsy treatment centre school, a crippled children's treatment centre school, a hospital school or a sanatorium school, and with the approval of the Minister, by agreement, assume the assets and liabilities of such board and continue to operate such a school, and, upon the effective date of the agreement between the two boards, the board making the request is dissolved.

R.S.O. 1970,
c. 424, s. 37,
subs. 1,
amended

- 6.—(1) Subsection 1 of section 37 of *The Schools Administration Act* is amended by striking out "subsection 1 of" in the sixth line.

R.S.O. 1970,
c. 424, s. 37,
subs. 2,
amended

- (2) Subsection 2 of the said section 37 is amended by striking out "subsection 1 of" in the eighth line.

R.S.O. 1970,
c. 424, s. 42,
subs. 1,
re-enacted

- 7.—(1) Subsection 1 of section 42 of *The Schools Administration Act* is repealed and the following substituted therefor:

Transporta-
tion of
pupils

- (1) A board may provide for a resident pupil, or for a person who is qualified to be a resident pupil, transportation to and from,

- (a) a school that the board operates;
- (b) a school operated by another board to which the board pays fees in respect of such pupil;
- (c) the Ontario School for the Blind;
- (d) an Ontario School for the Deaf;
- (e) an Ontario Hospital School; and
- (f) a children's mental health centre established under *The Children's Mental Health Centres Act*.

R.S.O. 1970,
c. 68,

- (2) The said section 42 is amended by adding thereto the following subsection:

R.S.O. 1970,
c. 424, s. 42,
amended

- (4a) A secondary school board may furnish transportation ^{Idem} for pupils who reside in territory without municipal organization, but not in a school section, a separate school zone or a secondary school district, to a secondary school operated by the board.

8. Clauses *c* and *d* of subsection 1 of section 70 of *The Schools Administration Act* are repealed and the following substituted therefor: ^{R.S.O. 1970, c. 424, s. 70, subs. 1, cl. c, d, re-enacted}

- (c) to visit schools and classrooms as the Minister may ^{visit schools} direct and, where a supervisory officer has been appointed by the board and approved by the Minister, as the board may direct;
- (d) to prepare a report of a visit to a school or ^{prepare reports} classroom when required by the Minister, and, where a supervisory officer has been appointed by the board and approved by the Minister, when required by the board.

9. Subsection 1 of section 71 of *The Schools Administration Act* is amended by striking out "chairman and secretary-treasurer" in the second and third lines and inserting in lieu thereof "treasurer and the chairman or vice-chairman", so that the subsection shall read as follows: ^{R.S.O. 1970, c. 424, s. 71, subs. 1, amended}

- (1) Notwithstanding the provisions of any general or ^{Current borrowings} special Act, a board may by resolution authorize the treasurer and the chairman or vice-chairman to borrow from time to time from a chartered bank by way of a promissory note such sums as the board considers necessary to meet the current expenditures of the board until the current revenue has been received.

10.—(1) Clause *b* of subsection 1 of section 72 of *The Schools Administration Act* is repealed and the following substituted therefor: ^{R.S.O. 1970, c. 424, s. 72, subs. 1, cl. b, re-enacted}

- (b) by ascertaining the total gross revenue from all sources, excluding revenue from,
- (i) legislative grants,
 - (ii) taxation,
 - (iii) tuition fees,

(iv)

(iv) costs recoverable from Ontario pursuant to a regulation made under paragraph 14 of subsection 1 of section 12 of *The Department of Education Act*,

R.S.O. 1970,
c. 111

(v) the sale of, and insurance proceeds in respect of, capital appurtenances as defined in the regulations, and

(vi) transfers from reserve funds and from reserves for working funds.

R.S.O. 1970,
c. 424, s. 72,
subs. 2,
repealed

(2) Subsection 2 of the said section 72 is repealed.

R.S.O. 1970,
c. 424, s. 72,
subs. 3,
cl. a,
amended

(3) Clause *a* of subsection 3 of the said section 72 is amended by adding at the end thereof "but such ratio shall not be less than one".

R.S.O. 1970,
c. 424, s. 72,
subs. 3,
cl. b,
amended

(4) Clause *b* of subsection 3 of the said section 72 is amended by adding at the end thereof "but such ratio shall not be less than one".

R.S.O. 1970,
c. 424, s. 72,
amended

(5) The said section 72 is amended by adding thereto the following subsection:

Fees for
trainable
retarded
children

(3a) For the purpose of calculating fees for a pupil who attends a school for trainable retarded children, "special education class" in subsection 3 shall include a class in a school for trainable retarded children, and the maximum enrolment for a class in such a school shall be deemed to be ten.

R.S.O. 1970,
c. 424, s. 73,
subs. 2,
re-enacted

11. Subsection 2 of section 73 of *The Schools Administration Act* is repealed and the following substituted therefor:

Adjustment
of rates
where under-
or over-levy

(2) Where a board that has jurisdiction in more than one municipality or in one municipality and territory without municipal organization ascertains that,

(a) the sum that the board requisitioned for public or secondary school purposes from, or levied for separate school purposes in, a municipality or a part thereof or part of territory without municipal organization that is deemed to be a district municipality by subsection 4 of section 27 of *The Secondary Schools and Boards of Education Act* or by subsection 3 of section 80 of *The Separate Schools Act*, in a year,

R.S.O. 1970,
cc. 425, 430

differs

differs from,

- (b) the sum that the board ought to have requisitioned for public or secondary school purposes from, or levied for separate school purposes in, such municipality or part thereof or part of territory without municipal organization in such year in accordance with the provisions of the Act under which the board operates, after the application of the grant referred to in subsection 1 that is receivable by the board in such year in respect of such municipality or part thereof or part of territory without municipal organization,

the difference shall be added to or subtracted from the sum that is estimated to be required for public or secondary school purposes from, or levied for separate school purposes in, such municipality or part thereof or part of territory without municipal organization in the year in which, or in the year next following the year in which, the existence of the difference is ascertained.

- (3) Notwithstanding subsection 2, a board may, with the approval of the Minister, add to or subtract from the sum that is estimated to be required from or levied in a municipality or part thereof or part of territory without municipal organization in each of two or three years, commencing in the year in which, or in the year next following the year in which, the difference referred to in subsection 2 is ascertained, a portion of such difference, so as to make up the total thereof. Levy for difference

12. Subsection 1 of section 79 of *The Schools Administration Act* is amended by inserting after "municipality" in the first line "except a municipality in a school division", so that the subsection shall read as follows: R.S.O. 1970, c. 424, s. 79, subs. 1, amended

- (1) The council of each municipality, except a municipality in a school division, shall withhold from the amount levied and collected for a school board sufficient funds to meet the annual debt charges payable in the current year by the municipality in respect of debentures issued for the purposes of the board. Withholding of debenture levy

13. Section 100 of *The Schools Administration Act* is amended by adding thereto the following subsection: R.S.O. 1970, c. 424, s. 100, amended

Licence
fees not part
of annual
rates

- (4) The share of the licence fees payable to a board by the council of a municipality under this section shall be in addition to any other amount that is payable to the board by the municipality, and shall be paid to the board on or before the 15th day of December in the year for which the licence fees are collected.

Commence-
ment

14.—(1) This Act, except sections 1 and 4, subsection 4 of section 5, sections 6, 10, 11 and 13, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 4 of section 5 shall be deemed to have come into force on the 1st day of January, 1970.

Idem

(3) Sections 1, 4, 6, 10, 11 and 13 shall be deemed to have come into force on the 1st day of January, 1971.

Short title

15. This Act may be cited as *The Schools Administration Amendment Act, 1971*.

CHAPTER 91

An Act to amend The Children's Boarding Homes Act

*Assented to July 28th, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Children's Boarding Homes Act* is repealed and the following substituted therefor: R.S.O. 1970,
c. 65, s. 1,
re-enacted

1. In this Act,

Interpre-
tation

- (a) "Board" means the Day Nursery Review Board established under *The Day Nurseries Act*; R.S.O. 1970,
c. 104
- (b) "child" means a boy or girl actually or apparently under eighteen years of age;
- (c) "children's boarding home" means a premises in which five or more children not of common parentage reside away from the home of their parents or guardians primarily for the purpose of receiving lodging, boarding or care, but does not include,
 - (i) a foster home or any other home or institution that is supervised or operated by a children's aid society under *The Child Welfare Act*, R.S.O. 1970,
c. 64
 - (ii) a house that is licensed under *The Private Hospitals Act*, R.S.O. 1970,
c. 361
 - (iii) a day nursery within the meaning of *The Day Nurseries Act*, R.S.O. 1970,
c. 104
 - (iv)

- R.S.O. 1970,
c. 62
- (iv) a charitable institution within the meaning of *The Charitable Institutions Act*,
- R.S.O. 1970,
c. 68
- (v) a children's mental health centre under *The Children's Mental Health Centres Act*,
- R.S.O. 1970,
c. 369
- (vi) a detention home, a detention and observation home or a diagnostic clinic under *The Provincial Courts Act*,
- (vii) a hostel intended for short-term accommodation,
- R.S.O. 1970,
c. 66
- (viii) a children's institution within the meaning of *The Children's Institutions Act*,
- R.S.O. 1970,
c. 204
- (ix) a home for retarded persons within the meaning of *The Homes for Retarded Persons Act*,
- R.S.O. 1970,
c. 377
- (x) a summer camp under *The Public Health Act*, or
- (xi) a home, hospital or other institution that is in receipt of financial aid from the Province of Ontario;
- (d) "Department" means the Department of Social and Family Services;
- (e) "Minister" means the Minister of Social and Family Services;
- (f) "occupier" means the occupier of a children's boarding home who applied for registration of the home under this Act;
- (g) "provincial inspector" means a member of the staff of the Department who is designated as a provincial inspector by the Minister;
- (h) "Registrar" means the Director of Children's and Youth Institutions Branch of the Department;
- (i) "regulations" means the regulations made under this Act.

2. Sections 2 and 3 of *The Children's Boarding Homes Act* are repealed and the following substituted therefor:

R.S.O. 1970,
c. 65, s. 2,
re-enacted;
s. 3,
repealed

2.—(1) The Registrar shall perform such duties and exercise such powers under this Act as are conferred or imposed upon him by this Act and the regulations.

Duties of
Registrar

(2) Where the Registrar is absent or there is a vacancy in his office, the powers and duties of the Registrar may be exercised and performed by such employee of the Department as the Minister designates.

Delegation

(3) The Registrar, with the consent in writing of the Deputy Minister of Social and Family Services, may authorize any employee or class of employee of the Children's and Youth Institutions Branch of the Department to exercise and discharge any of the powers conferred or the duties imposed on him under this Act.

Idem

(4) Any decision, order or directive made or given by a person exercising powers and performing duties of the Registrar under subsection 2 or 3 shall be deemed to be a decision, order or directive of the Registrar for the purposes of this Act.

Decision of
person acting
in place of
Registrar

3. Subsection 2 of section 5 of *The Children's Boarding Homes Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 65, s. 5,
subs. 2,
re-enacted

(2) Where premises are used as a children's boarding home in contravention of subsection 1, every person who alone, on behalf of, or in association with one or more other persons is concerned in the management of or is in charge of the children's boarding home or who supervises children lodged therein, is guilty of an offence and on summary conviction is liable to a fine of not more than \$25 for every day during which such use is continued.

Offence

4. Clause *a* of subsection 1 of section 9 of *The Children's Boarding Homes Act* is amended by striking out "age" in the first line and inserting in lieu thereof "date of birth".

R.S.O. 1970,
c. 65, s. 9,
subs. 1, cl. a,
amended

5. Section 11 of *The Children's Boarding Homes Act* is amended by striking out "a child in need of protection" in the third line and inserting in lieu thereof "apparently in need of protection".

R.S.O. 1970,
c. 65, s. 11,
amended

6.—(1) Clause *f* of section 14 of *The Children's Boarding Homes Act* is amended by striking out "homes" in the second line and inserting in lieu thereof "premises registered".

R.S.O. 1970,
c. 65, s. 14,
cl. f,
amended

R.S.O. 1970,
c. 65, s. 14,
amended

(2) The said section 14 is amended by adding thereto the following clauses:

- (ba) prescribing procedures for registration and renewal of registration of children's boarding homes by the Registrar;
- (fa) governing the care provided and requiring and prescribing medical and other related or ancillary services for children boarded or lodged in premises registered under this Act;
- (fb) prescribing staff requirements for premises registered under this Act and governing qualifications of the members of the staff of such premises or any class thereof and prescribing their powers and duties;
- (fc) governing the admission of children to premises registered under this Act;
- (fd) prescribing rules and standards governing structural safety, fire protection and sanitary and health conditions of the premises and inhabitants of premises registered under this Act.

1971, c. 50,
s. 18,
subs. 1,
repealed

7. Subsection 1 of section 18 of *The Civil Rights Statute Law Amendment Act, 1971*, is repealed.

Commence-
ment

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as *The Children's Boarding Homes Amendment Act, 1971*.

CHAPTER 92

An Act to amend The Family Benefits Act

*Assented to July 28th, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Family Benefits Act* is repealed and the following substituted therefor: R.S.O. 1970,
c. 157, s. 1,
cl. e,
re-enacted

(*e*) “dependent child” means a person residing in Ontario who is supported by his mother, dependent father or the person who stands *in loco parentis* to him and,

(i) who is under twenty-one years of age and attends an educational institution of a class defined by the regulations and, if sixteen years of age or over, is making satisfactory progress with his studies, or

(ii) who is under eighteen years of age and is not attending school because,

a. he is of pre-school age, or

b. he is unable to attend school by reason of mental or physical disability.

2. Subsection 3 of section 3 of *The Family Benefits Act* is amended by striking out “of the Family Benefits Branch” in the third line. R.S.O. 1970,
c. 157, s. 3,
subs. 3,
amended

3. Section 5 of *The Family Benefits Act* is amended by adding thereto the following subsection: R.S.O. 1970,
c. 157, s. 5,
amended

(2) Notwithstanding subsection 1, where a recipient is a tenant of any authority or agency that provides low rental housing accommodation on behalf of the Payment in
respect of
rent

Crown in the right of Ontario or on behalf of a municipality, any part of his allowance that does not exceed the amount of his budgetary requirements for shelter as determined in accordance with the regulations, may be paid to the authority or agency in respect of the current rent for which the recipient is liable.

R.S.O. 1970,
c. 157, s. 7,
subs. 1, cl. a,
amended

4.—(1) Clause *a* of subsection 1 of section 7 of *The Family Benefits Act* is amended by striking out “in receipt of” in the second line and inserting in lieu thereof “eligible for”, so that the clause shall read as follows:

R.S.C. 1952,
c. 200

(a) who has attained the age of sixty-five years and who is not eligible for a pension under the *Old Age Security Act* (Canada); or

.

R.S.O. 1970,
c. 157, s. 7,
subs. 1, cl. c,
amended

(2) Clause *c* of subsection 1 of the said section 7 is amended by striking out “in receipt of” in the third line and inserting in lieu thereof “eligible for”, so that the clause shall read as follows:

(c) who has attained the age of eighteen years and is blind or otherwise disabled as defined by the regulations and is not eligible for a pension under the *Old Age Security Act* (Canada); or

.

R.S.O. 1970,
c. 157, s. 7,
subs. 1, cl. e,
re-enacted

(3) Clause *e* of subsection 1 of the said section 7 is repealed and the following substituted therefor:

(e) who is a dependent father with a dependent child; or

.

R.S.O. 1970,
c. 157, s. 7,
subs. 1, cl. f,
amended

(4) Clause *f* of subsection 1 of the said section 7 is amended by striking out “foster mother” and inserting in lieu thereof “foster parent”.

R.S.O. 1970,
c. 157, s. 7,
subs. 2,
repealed

(5) Subsection 2 of the said section 7 is repealed.

R.S.O. 1970,
c. 157, s. 8,
subs. 1,
re-enacted

5. Subsection 1 of section 8 of *The Family Benefits Act* is repealed and the following substituted therefor:

Special cases

(1) In cases presenting special circumstances and in which investigation shows the advisability of a benefit

benefit being provided to an applicant who is not eligible therefor, the Lieutenant Governor in Council may direct that the benefit be provided to the applicant.

6. This Act comes into force on the day it receives Royal ^{Commence-}Assent^{ment}.

7. This Act may be cited as *The Family Benefits Amendment Act, 1971*. ^{Short title}

CHAPTER 93

An Act to amend The Day Nurseries Act

Assented to July 28th, 1971

Legislature Dissolved September 13th, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *c* of section 1 of *The Day Nurseries Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 104, s. 1,
cl. c,
re-enacted

(c) “day nursery” means a place that receives, primarily for the purpose of temporary care and custody for a continuous period not exceeding twenty-four hours, more than five children under ten years of age not of common parentage and that is not,

(i) part of a public school under *The Public Schools Act*,

R.S.O. 1970,
c. 385

(ii) part of a separate school under *The Separate Schools Act*,

R.S.O. 1970,
c. 430

(iii) part of a private school registered under *The Department of Education Act*, or

R.S.O. 1970,
c. 111

(iv) a children’s mental health centre under *The Children’s Mental Health Centres Act*.

R.S.O. 1970,
c. 68

(2) The said section 1 is amended by adding thereto the following clause:

R.S.O. 1970,
c. 104, s. 1,
amended

(*ha*) “private-home day care” means the temporary care and custody for reward or compensation of not more than five children under ten years of age in a private residence other than the home of a parent or guardian of any such child, for a continuous period not exceeding twenty-four hours.

R.S.O. 1970,
c. 104,
amended

2. *The Day Nurseries Act* is amended by adding thereto the following section:

Agreement to
furnish
private-home
day care

2a.—(1) The council of a municipality may enter into an agreement with any person or organization for the furnishing of private-home day care, and the municipality may make such expenditures as are necessary for the purpose.

By-laws re
grant

(2) The council of a municipality may pass by-laws granting aid to any person or organization providing private-home day care.

Agreement
with
Minister

(3) The Minister may enter into an agreement with any person or organization for furnishing private-home day care in areas without municipal organization.

R.S.O. 1970,
c. 104, s. 3,
re-enacted

3. Section 3 of *The Day Nurseries Act* is repealed and the following substituted therefor:

Grants

3.—(1) There shall be paid to every municipality an amount equal to 80 per cent of its costs computed in accordance with the regulations,

(a) for the operation and maintenance or the renovation of every licensed day nursery established by the municipality; and

(b) under agreements entered into under subsection 3 of section 2 or under subsection 1 of section 2a.

Grants to
Indian bands

(2) Where a council of the band,

(a) establishes a day nursery; or

(b) enters into an agreement with any person or organization,

(i) operating a licensed day nursery for the furnishing of such day nursery services for such children as is agreed upon, or

(ii) for the furnishing of private-home day care,

the band is entitled to the payments referred to in subsection 1 in the same manner as if the band were a municipality.

3a.—(1) Where the Minister has approved the erection of a new building, an addition to an existing building or the purchase or other acquisition of an existing building by a municipality or a band for use in whole or in part as a day nursery, the Lieutenant Governor in Council may direct payment to the municipality or the band, as the case may be, out of moneys appropriated therefor by the Legislature of an amount to be computed in accordance with the regulations not exceeding 50 per cent of,

Capital grants

(a) where the whole building or addition is used as a day nursery, the cost of the new building, addition or acquisition, as the case may be; or

(b) where part only of the building or addition is used as a day nursery, the proportion of the cost of the new building, addition or acquisition, that the floor space used as a day nursery bears to the total floor space of the building or addition, as the case may be.

(2) An amount payable to a municipality or a band under this section shall be paid at such times and in such manner as are prescribed by the regulations.

Time and manner of payment

3b. No municipality or band shall change the site of, sell or otherwise dispose of any part of, or structurally alter any day nursery in respect of which the municipality or band has received payment of a grant under section 3 for renovation costs or a grant under section 3a, without the approval in writing of the Director.

Approval to sale, etc.

4.—(1) Section 16 of *The Day Nurseries Act* is amended by adding thereto the following clauses:

R.S.O. 1970, c. 104, s. 16, amended

(aa) prescribing the conditions to be maintained in private residences where private-home day care is furnished under an agreement between a municipality, a council of the band or the Minister and any person or organization;

(ab) providing for the inspection of private residences in which private-home day care is furnished under an agreement between the municipality, the council of the band or the Minister and any person or organization;

(ac)

(ac) prescribing the qualifications of any person supervising children in a day nursery or as part of a program of private-home day care furnished under an agreement between a municipality, a council of the band or the Minister and any person or organization;

(ad) establishing and approving courses of instruction for persons supervising children in day nurseries or as part of a program of private-home day care, and providing for the granting of certificates to those who have satisfactorily completed the course of instruction or who otherwise meet the prescribed qualifications;

(ca) governing applications by municipalities and bands for payments under this Act and prescribing the method, time and manner of payment.

R.S.O. 1970,
c. 104, s. 16,
cl. d.,
amended

(2) Clause *d* of the said section 16 is amended by striking out "section 3" in the second line and inserting in lieu thereof "sections 3 and 3a".

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Day Nurseries Amendment Act, 1971*.

CHAPTER 94

**An Act to regulate
the Exploration and Drilling for, and the
Production and Storage of Oil and Gas**

*Assented to July 28th, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpreta-
tion

1. "Board" means the Ontario Energy Board;
2. "Department" means the Department of Mines and Northern Affairs;
3. "gas" means natural gas;
4. "inspector" means an inspector appointed for the purposes of this Act and the regulations, and includes a chief inspector;
5. "licence" means a licence issued under this Act;
6. "Minister" means the Minister of Mines and Northern Affairs;
7. "oil" means crude oil, and includes any hydrocarbon that can be recovered in liquid form from a pool through a well;
8. "operator",
 - (i) when used in respect of any operations carried on for the purpose of drilling or plugging a well, means a person who has the right as lessee, sub-lessee, assignee or owner to carry on the drilling or plugging operations, and the person who has the control or management of such operations, and

(ii)

- (ii) when used in respect of a well, means a person who has the right as lessee, sub-lessee, assignee or owner to the production from the well, and the person who has the control and management thereof, provided that such person either drilled or produced the well;

9. "permit" means a permit issued under this Act;
10. "pool" means an underground accumulation of oil or gas or both, separated or appearing to be separated from any other such underground accumulation;
11. "prescribed" means prescribed by a regulation;
12. "regulation" means a regulation made under this Act;
13. "spacing unit" means a surface area established by a regulation for the purpose of drilling for, or the production of, oil or gas, and includes the subsurface specified by the regulation;
14. "well" means a hole drilled into a geological formation of Cambrian or more recent age, except a hole where no oil or gas is encountered that is drilled for the production of fresh water;
15. "work" means a pipe line or a well and every part thereof and adjunct thereto that is used in the drilling for or the production or storage of oil or gas.

Appointment
of inspectors
R.S.O. 1970,
c. 386

2.—(1) One or more chief inspectors and inspectors may be appointed under *The Public Service Act* for the purpose of this Act and the regulations.

Certificate of
appointment
and identi-
fication

(2) The Minister shall issue to every inspector a certificate of his appointment and identification.

Validity of
certificate

(3) A certificate purporting to bear the signature of the Minister shall be deemed to have been signed by the Minister.

Production of
certificate

(4) Every inspector, in the execution of any of his duties under this Act and the regulations, shall produce his certificate of appointment upon request.

Powers of
inspector

3.—(1) An inspector may, for the purpose of carrying out his duties under this Act and the regulations,

- (a) subject to subsection 2, enter in or upon any premises at any time without warrant;

(b)

- (b) take up or use at any time any work or part thereof;
- (c) require the production of any drawing or specification of a work or any part thereof or any licence, permit, record or report and may inspect, and make copies of, the same and may require information from any person concerning any matter related to a work or part thereof or the handling or use thereof;
- (d) be accompanied by any person at the request of the inspector who has special or expert knowledge of any matter in relation to a work or a part thereof or the handling or use thereof;
- (e) alone, or in conjunction with such other persons possessing special or expert knowledge, make such examinations, tests or inquiries as may be necessary to ascertain whether this Act and the regulations are being complied with and for such purpose take or remove any material or substance subject to the operator or user being notified thereof.

(2) An inspector shall not enter any room or place ^{Warrant} actually being used as a dwelling where the occupier refuses entry except under the authority of a search warrant issued under section 16 of *The Summary Convictions Act*. ^{R.S.O. 1970, c. 450}

4.—(1) No person shall hinder, obstruct, molest or interfere ^{Obstruction of inspector} with or attempt to hinder, obstruct, molest or interfere with an inspector in the exercise of a power or the performance of a duty under this Act and the regulations.

(2) Every person shall furnish all necessary means in his ^{Assistance of inspector} power to facilitate any entry, inspection, examination or inquiry by an inspector in the exercise of his powers and duties under this Act and the regulations.

(3) No person shall neglect or refuse to produce a licence, ^{Refusal to produce} permit, drawing, specification, record or report as required by an inspector under clause c of subsection 1 of section 3.

(4) No person shall furnish an inspector with false information ^{False information} or neglect or refuse to furnish information required by an inspector in the exercise of his duties under this Act and the regulations.

5.—(1) An inspector shall not publish, disclose or communicate to any person any information, record, report or statement ^{Information confidential} acquired, furnished, obtained, made or received under the

powers

powers conferred under this Act and the regulations except for the purposes of carrying out his duties under this Act and the regulations.

Compel-
liability in
civil suit

(2) An inspector is not a compellable witness in a civil suit or proceeding respecting any information, record, report, statement, or test acquired, furnished, obtained, made or received under the powers conferred under this Act and the regulations.

Exception

(3) The Minister may disclose or publish information, material, statements or result of a test acquired, furnished, obtained or made under the powers conferred under this Act and the regulations.

Liability of
inspector

6.—(1) No action or other proceeding for damages lies or shall be instituted against an inspector for an act or omission by him in good faith in the execution or intended execution of any power or duty under this Act or the regulations.

Liability
of Crown
R.S.O. 1970,
c. 365

(2) Subsection 1 does not, by reasons of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act* relieve the Crown of liability in respect of a tort committed by an inspector to which it would otherwise be subject and the Crown is liable under that Act for any such tort in like manner as if subsection 1 had not been enacted.

Directions
by inspectors
where
non-
compliance

7.—(1) Where an inspector finds that any provision of this Act or the regulations is being contravened, he may give to the person whom he believes to be the contravener, his supervisor or foreman or any of them an order in writing directing compliance with such provision and may require the order to be carried out forthwith or within such time as he specifies.

Idem

(2) Where an inspector gives an order under this section, the order shall contain sufficient information to specify the nature of the contravention.

Affixing
tags

(3) Where an inspector gives an order under this section, he,

(a) may order that the work shall not be used until the order is complied with;

(b) may affix a tag in the prescribed form to the work and no person, except the inspector, shall remove the tag; and

(c) shall notify in writing the operator, owner or person in charge of the work of the affixing of the tag.

(4) No person shall knowingly remove oil or gas from or supply oil or gas to a work to which a tag is attached. Use of tagged work

(5) No person shall use a work to which a tag is attached. Idem

(6) Any person who considers himself aggrieved by a decision or order of an inspector made under this section may appeal to a chief inspector who shall hear and dispose of the appeal as promptly as is practicable but the bringing of such appeal does not affect the operation of the order appealed from pending disposition of the appeal. Appeal from inspector

(7) An appeal to a chief inspector may be made in writing or orally by telephone, but the chief inspector so notified may require the grounds for appeal to be in writing before the appeal is heard. Oral or written

(8) On appeal under this section, the chief inspector notified may substitute his findings or opinion for those of the inspector who made the decision or order appealed from and may rescind or affirm the decision or order or make a new decision or order in substitution therefor and the decision or order of the chief inspector shall stand in place of and have the like effect under this Act as the decision or order of the inspector. Powers of chief inspector

8.—(1) No person shall,

- (a) conduct geophysical or geochemical exploration for oil or gas; or
- (b) lease oil or gas rights except from the Crown; or
- (c) produce oil or gas for sale,

No exploring, leasing or producing without licence

unless he is the holder of a licence for such purpose.

(2) Failure to comply with subsection 1 does not affect the validity of any contract. Contracts not affected

9. No person shall operate a machine for boring, drilling, deepening or plugging wells unless the machine is licensed. No machine to be operated without licence

10. No person shall bore, drill or deepen a well unless he is the holder of a permit for such purpose. No well to be bored, etc., without permit

11.—(1) No person shall repressure, maintain pressure in or flood any geological formation by the injection of oil, gas, water or other substance unless he is the holder of a permit for such purpose. Permit required to inject gas, etc.

Exception

(2) Subsection 1 does not apply to a person who injects gas for storage in a designated gas storage area.

Referral of application for permits to Board

(3) The Minister may refer to the Board for a report any application for a permit under subsection 1 if in his opinion the circumstances so require, but he shall so refer it if the point of injection is within one mile of a designated gas storage area.

Hearing

(4) Where an application is referred to the Board under this section, the Board shall hold a hearing before reporting to the Minister,

(a) if the point of injection is within one mile of a designated gas storage area; or

(b) if in the opinion of the Board, the circumstances of the case so require.

Responsibility for compliance with Act

12. Every operator shall take every precaution reasonable in the circumstances to ensure that his employees and agents comply with this Act and the regulations.

Grant of licence, etc.
R.S.O. 1970,
c. 312

13.—(1) Subject to section 23 of *The Ontario Energy Board Act*, the Minister may, in his discretion, with or without an examination of the applicant, grant a licence or permit, and he may, in so doing, impose such terms and conditions, whether of a pecuniary nature or otherwise, and such duties and liabilities as he in his discretion deems proper, but before granting a licence or permit he may, and if requested by the applicant, he shall refer the matter to the Board, in which case the Board shall hold a hearing and report to him thereon.

Renewal of licence, etc.

(2) The Minister may grant a renewal of a licence or permit in whole or in part, and he may, in granting a renewal of a licence or permit, impose such terms and conditions, whether of a pecuniary nature or otherwise, and such duties and liabilities as he in his discretion deems proper, but if, in refusing to grant, or in granting such a renewal, he imposes any term or condition that was not previously imposed, he shall, if requested by the applicant, refer the matter to the Board, in which case the Board shall hold a hearing and report to him thereon.

Renewal, suspension of licence, etc.

14.—(1) Where a person contravenes any provision of section 19, the Minister may refuse to grant a licence or permit, the renewal of any of them, or suspend or cancel a licence or permit or may, in granting or renewing a licence or permit, impose such terms and conditions as he considers proper but before doing so he may refer the matter to the Board, in which case the Board shall report to him thereon.

(2) Where the Minister does not refer the matter to the Board, any person aggrieved thereby may apply to the Board for a hearing, in which case the Board shall hold a hearing and report thereon to the Minister.

Appeal
to Board

15. Where a hearing is held pursuant to section 13 or 14, the Board shall send to each of the parties a copy of its report to the Minister within ten days after submitting it to the Minister.

Copy of
report to
be sent
to parties

16. Where, following a hearing and report by the Board pursuant to section 13 or 14, the Minister refuses to grant or renew a licence or permit, or imposes terms and conditions on a licence or permit, upon the petition of any party or person interested, filed with the Clerk of the Executive Council within sixty days after the date of the Minister's decision, the Lieutenant Governor in Council may,

Lieutenant
Governor in
Council may
confirm, vary
or rescind
decision of
Minister

(a) confirm, vary or rescind the whole or any part of such decision; or

(b) require the Board to hold a new hearing on the matter and report to the Minister thereon,

and the decision of the Minister after the hearing and report ordered under clause *b* is not subject to petition under this section.

17.—(1) The Lieutenant Governor in Council may make regulations,

Drilling and
production
regulations

(a) for the conservation of oil or gas;

(b) prescribing areas where drilling for oil or gas is prohibited;

(c) prescribing the terms and conditions of oil and gas production leases and gas storage leases or any part thereof, excluding those relating to Crown lands, and providing for the making of statements or reports thereon;

(d) regulating the location and spacing of wells;

(e) providing for the establishment and designation of spacing units and regulating the location of wells in spacing units and requiring the joining of the various interests within a spacing unit or pool;

(f) prescribing the methods, equipment and materials to be used in boring, drilling, completing, servicing, plugging or operating wells;

(g)

- (g) requiring operators to preserve and furnish to the Department drilling and production samples and cores ;
- (h) requiring operators to furnish to the Department reports, returns and other information ;
- (i) requiring dry or unplugged wells to be plugged or replugged, and prescribing the methods, equipment and materials to be used in plugging or replugging wells ;
- (j) regulating the use of wells and the use of the subsurface for the disposal of brine produced in association with oil and gas drilling and production operations.

General
regulations

(2) The Lieutenant Governor in Council may make regulations,

- (a) providing for the issue of licences and permits ;
- (b) prescribing classes of licences and permits, and prescribing standard terms and conditions upon which licences and permits may be issued ;
- (c) prescribing the fee payable for any licence or permit ;
- (d) prescribing forms and tags and providing for their use ;
- (e) requiring and providing for the bonding or insuring of holders of licences or permits ;
- (f) requiring and providing for guarantees or other security by bond or other means that works commenced under licence or permit will be completed in accordance with this Act and the regulations ;
- (g) respecting the completion, correction or removal of works by an operator, or by the Minister upon the operator's default, and respecting the recovery of costs thereby incurred ;
- (h) providing for the Minister to take possession of a work not complying with this Act and the regulations and to take such measures as are necessary to make the work comply with this Act and the regulations, and to recover any resulting expenses by action in a court of competent jurisdiction or by the sale of all or part of the work or by providing that such expenses are a lien and charge upon the estate or interest

of the operator in the land upon which the work is situate, and that the amount thereof shall be entered by the clerk of the municipality upon the collector's roll and be collected in the same way, as nearly as may be, as municipal taxes are collected;

- (i) requiring and providing for the keeping of records and the making of returns, statements or reports on the exploration, leasing, drilling for or production of oil or gas or the storage of oil or gas;
- (j) regulating safety standards and requiring and providing for the keeping of safety records and the making of safety returns, statements or reports in the drilling for, production, storage and measurement, of oil or gas;
- (k) for any matter provided in this Act to be done by regulation.

(3) Any regulation may be general or particular in its application. Scope of regulations

18.—(1) In the event of conflict between this Act and any other general or special Act, this Act, subject only to *The Ontario Energy Board Act*, prevails. Conflict with other Acts
R.S.O. 1970,
c. 312

(2) This Act and the regulations prevail over any municipal by-law. Idem, with by-laws

19. Every person who, Offences and penalties

- (a) contravenes or fails to comply with any provision of this Act or a regulation;
- (b) knowingly makes a false statement in any document prescribed by a regulation;
- (c) fails to carry out the instructions of any inspector;
- (d) unlawfully tampers or interferes with any work or portion thereof;
- (e) wastes or causes to be wasted or permits loss or disposes of any oil or gas in any manner which results in a hazard to public health or safety, or results in air, land or water pollution; or
- (f) wilfully delays or obstructs an inspector in the execution of his duties under this Act,

is

is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than one year, or to both.

Existing
licences, etc.

20. Every licence and permit, issued under the predecessor of this Act and in force on the day this Act comes into force shall be deemed to have been issued under this Act.

Act
supersedes
R.S.O. 1970,
c. 148

21. This Act applies notwithstanding *The Energy Act*.

Commence-
ment

22. This Act comes into force on the day it receives Royal Assent.

Short title

23. This Act may be cited as *The Petroleum Resources Act, 1971*.

CHAPTER 95

An Act to amend The Public Health Act*Assented to July 28th, 1971**Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Public Health Act* is amended by adding thereto the following section: R.S.O. 1970,
c. 377,
amended

6a.—(1) In this section, “outdoor festival” means a festival for the assembly of more than 2,000 people out of doors for a period of at least twenty-four hours and for the provision of musical or theatrical entertainment thereat. “Outdoor
festival”
defined

(2) The Minister, with the approval of the Lieutenant Governor in Council, may make regulations, Regulations

- (a) governing health and safety standards for the protection of persons attending outdoor festivals and of the public generally and requiring the provision of facilities and services for the purpose;
- (b) requiring any person responsible for the health and safety standards at outdoor festivals to be bonded in such form and terms and with such collateral security as are prescribed and providing for the forfeiture of bonds and the disposition of the proceeds;
- (c) requiring the furnishing of such information or reports respecting outdoor festivals as are prescribed and authorizing an officer of the Department to require such additional information or reports as are considered necessary, and requiring any such information or reports to be verified by affidavit.

(3)

Penalty

(3) Every person who contravenes any provision of the regulations made under this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Public Health Amendment Act, 1971*.

CHAPTER 96

**An Act to regulate Pits and Quarries
and to provide for their Rehabilitation**

*Assented to July 28th, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Ontario Municipal Board;
- (b) "Department" means the Department of Mines and Northern Affairs;
- (c) "inspector" means a member of the public service who is designated in writing by the Minister as an inspector for the purposes of this Act;
- (d) "Minister" means the Minister of Mines and Northern Affairs;
- (e) "operator" means the person or persons who own the right to extract material from a pit or quarry or wayside pit or quarry;
- (f) "pit" means a place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral or other material is being or has been removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside pit;
- (g) "quarry" means a place where consolidated rock has been or is being removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside quarry or open pit metal mine;
- (h) "regulations" means the regulations made under this Act;

(i)

- (i) "wayside pit" or "wayside quarry" means a temporary pit or quarry opened and used by a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right of way.

Application
of Act

2. This Act applies only in such parts of Ontario as are designated by the Lieutenant Governor in Council by regulation.

Duty of
operator

3. Every operator shall ensure that the requirements of this Act and the regulations are complied with in respect of his pit or quarry or wayside pit or quarry.

Pit or
quarry
licence

4.—(1) No person shall open, establish or operate a pit or quarry except under the authority of a licence issued by the Minister to the operator.

Site plan

(2) An application for a licence to operate a pit or quarry shall be filed with the Minister and shall be accompanied by a site plan in quadruplicate, which shall include,

- (a) the location, true shape, topography, contours, dimensions, acreage and description of the lands set aside for the purposes of the pit or quarry;
- (b) the use of all land and the location and use of all buildings and structures lying within a distance of 500 feet of any of the boundaries of the lands set aside for the purposes of the pit or quarry;
- (c) the location, height, dimensions and use of all buildings or structures existing or proposed to be erected on the lands set aside;
- (d) existing and anticipated final grades of excavation, contours where necessary and excavation set backs;
- (e) drainage provisions;
- (f) all entrances and exits;
- (g) as far as possible, ultimate pit development, progressive and ultimate road plan, any water diversion or storage, location of stockpiles for stripping and products, tree screening and berming, progressive and ultimate rehabilitation and, where possible, intended

use and ownership of the land after the extraction operations have ceased;

(h) cross-sections where necessary to show geology, progressive pit development and ultimate rehabilitation; and

(i) such other information as the Minister may require or as is prescribed by the regulations.

(3) The site plan for an application in respect of a pit or quarry producing less than 10,000 cubic yards per year may be in a short form prescribed by the regulations in lieu of the form required by subsection 2. Short form of site plan

(4) Every operator shall carry on his operations in accordance with the site plan upon which his licence is based and the operator may amend the site plan with the consent of the Minister. Site plan binding

5.—(1) Upon the receipt of an application, the Minister shall fix a day as the last day upon which written objections may be filed with him by the municipal council or any other authority having an interest or any person directly affected by the issuing of a licence. Time for objections

(2) After filing his application, the applicant shall publish notice of the application in such form and manner as is prescribed by the regulations. Publication of notice

(3) If any person entitled to object under subsection 1 requires a hearing by notice in writing to the Minister before the expiration of the period for objection, the Minister shall refer the matter to the Board for a hearing. Hearing by O.M.B.

(4) The Minister may refer an application to the Board for a hearing on his own motion. Referral by Minister

6.—(1) The Minister shall refuse to issue a licence to operate a pit or quarry where the site plan does not comply with this Act or the regulations or where, in his opinion, the operation of the pit or quarry would be against the interest of the public taking into account, Grounds for refusal to issue a licence

(a) the preservation of the character of the environment;

(b) the availability of natural environment for the enjoyment of the public;

(c) the need, if any, for restricting excessively large total pit or quarry output in the locality;

(d) the traffic density on local roads;

(e)

- (e) any possible effect on the water table or surface drainage pattern;
- (f) the nature and location of other land uses that could be affected by the pit or quarry operation; and
- (g) the character, location and size of nearby communities.

Idem

(2) No licence shall be issued in respect of a pit or quarry where the location is in contravention of an official plan or by-law of the municipality in which it is located.

Idem

(3) Where a local municipality does not have an official plan or by-law governing the location of pits and quarries, the Minister shall give the municipal council notice of the filing of the application and if the council objects to the location of the pit or quarry within forty-five days after receiving the notice, the Minister shall not issue the licence and subsection 3 of section 5 does not apply.

Terms and conditions

(4) The Minister may issue the licence subject to such terms and conditions as the Minister, in his discretion, considers advisable.

Review of licence

7.—(1) The Minister shall review the operation of each licensee at least once in each year for the purpose of reassessing the licensee's compliance with this Act, the regulations, the site plan and the terms and conditions of the licence.

Revocation of licences

(2) The Minister may revoke a licence for a contravention of any provision of the site plan, any term or condition of the licence or any requirement of this Act or the regulations.

Notice of intention to refuse

8.—(1) Where the Minister proposes to refuse to issue a licence or proposes to revoke a licence, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or licensee.

Notice requiring hearing

(2) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to a hearing by the Board if he mails or delivers, within thirty days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Minister and the Board and he may so require such a hearing.

Powers of Minister where no hearing

(3) Where an applicant or registrant does not require a hearing by the Board in accordance with subsection 2, the Minister may carry out the proposal stated in his notice under subsection 1.

(4) Where the Minister gives notice of his intention to ^{Interim suspension} revoke a licence and, in the opinion of the Minister, the continuation of the operation of the pit or quarry constitutes an immediate threat to the interests of the public, the Minister may, upon notice to the licensee, immediately suspend the licence pending the final disposition of the matter.

9.—(1) Where a matter is referred to the Board for a ^{Hearing by Board} hearing, the Board shall hold a hearing as to whether the licence to which the hearing relates should be issued or revoked, as the case may be, and the applicant or licensee, the Director of the Inspection Branch of the Department and such other persons as the Board specifies shall be parties to the proceeding.

(2) A hearing by the Board shall be conducted in accordance ^{Procedure} with the rules, practices and procedures as determined by the Board under *The Ontario Municipal Board Act*, except that ^{R.S.O. 1970, c. 323} section 94 of the said Act does not apply.

(3) The Board shall, at the conclusion of a hearing under ^{Report of Board} this section, make a report to the Minister which shall set out its findings and its recommendations as to the issue or revocation of the licence to which the hearing relates, as the case may be, and shall send a copy of its report to each party to the proceedings.

(4) After considering the report of the Board under ^{Decision of Minister} this section, the Minister may refuse to issue or may revoke the licence to which the report relates and shall within thirty days after he receives the report of the Board give notice of his decision to the applicant or licensee specifying the reasons therefor, and the decision of the Minister is final.

10.—(1) Notwithstanding that a licence or permit has been ^{Quarrying near escarpment} issued under this Act, no person shall quarry in the Amabel or Lockport Formation at any point nearer to the natural edge of the Niagara escarpment than 300 feet measured horizontally.

(2) For the purposes of this section, the Amabel and Lock- ^{Idem} port Formations are as defined in Geological Survey of Canada Memoir 289, 1957, entitled "Silurian Stratigraphy and Palaeontology of the Niagara Escarpment".

11.—(1) Every licensee shall maintain on deposit with the ^{Security for rehabilitation} Treasurer of Ontario such security in such amount and form as is prescribed by the regulations.

Forfeiture

(2) Where the rehabilitation program of a pit or quarry or abandoned pit or quarry is not carried out in accordance with the requirements of this Act, the regulations or the site plan or the terms and conditions of the licence, the Minister may direct that the security deposited under subsection 1 be forfeited.

Completion
of rehabilita-
tion

(3) Upon the direction of the Minister under subsection 2, the security is forfeited and the Minister may authorize any person or persons to enter upon the premises on which the pit or quarry is situate and perform such work as is necessary to complete the rehabilitation requirements, and the cost thereof shall be paid out of the moneys forfeited and the balance refunded in accordance with the regulations.

Permits for
wayside pits
and quarries

12.—(1) No person shall open, establish or operate a wayside pit or quarry except under the authority of a permit issued by the Minister to the operator.

Issuance of
permits

(2) The Minister may issue a permit to operate a wayside pit or quarry where,

(a) the pit or quarry is necessary for the purposes of the contract or project;

(b) adequate provision can be made as terms and conditions of the permit to ensure a method of operation and adequate rehabilitation so as to constitute only a temporary inconvenience to the public.

Terms and
conditions
of permits

(3) The Minister may issue the permit subject to such terms and conditions, including terms for rehabilitation and security therefor, as the Minister, in his discretion, considers advisable.

Expiration
and renewal

(4) A permit issued under this section expires on the completion of the project or contract or one year after its issue, whichever occurs first, but in the latter case the Minister may renew the permit for such further period as the Minister considers appropriate for the completion, in good faith, of the project or contract.

Revocation

(5) The Minister may revoke a permit issued under this section for any breach of the terms and conditions of the permit or of this Act or the regulations.

Permit sub-
ject to
satisfying
other
requirements

(6) The issuance of a permit to operate a wayside pit or quarry shall not be construed to affect the application of any other law or requirements applying to the right to establish the wayside pit or quarry or its location.

13.—(1) An inspector may enter in or upon any land or premises set aside for the purposes of a pit or quarry or wayside pit or quarry at any reasonable time to make such examinations, tests and inquiries as may be necessary for the purposes of ensuring compliance with this Act, the regulations, the site plan and the terms and conditions of the licence or permit. Authority of inspectors

(2) No person shall hinder or obstruct an inspector in the performance of his duties or furnish him with false information or refuse to furnish him with information. Impeding inspector

14. A licence or permit issued under this Act is not transferable. Licence or permit not transferable

15.—(1) Where it appears to the Minister that any person does not comply or intend to comply with any provision of this Act or the regulations, notwithstanding the imposition of any penalty in respect of such noncompliance, the Minister may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order as he considers fitting. Restraining order

(2) An appeal lies to the Supreme Court from an order made under subsection 1. Appeal

16.—(1) Subject to subsection 2 of section 9, any notice required to be given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department. Service

(2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date. Idem

17.—(1) The provisions of this Act and the regulations are in addition to and not in substitution for the provisions of Part IX of *The Mining Act*. Application of Part IX of R.S.O. 1970, c. 274

(2) Where there is a conflict between any provision of this Act or the regulations and any municipal by-law, the provision of this Act or the regulations prevails. Conflict with municipal by-laws

Offence

18.—(1) Every person who contravenes any provision of this Act or the regulations or is in breach of any term or condition of his licence or permit is guilty of an offence and on summary conviction is liable to a fine not exceeding \$5,000 for each day on which the offence occurs or continues.

Idem

(2) No proceedings under subsection 1 shall be instituted except with the consent or under the direction of the Minister.

Regulations

19.—(1) The Lieutenant Governor in Council may make regulations,

- (a) governing applications for licences and permits and providing for their issue;
- (b) designating the parts of Ontario in which this Act applies;
- (c) prescribing additional information to be included on site plans under section 4;
- (d) prescribing the form, terms, conditions and amount of security to be deposited under section 11;
- (e) governing the management and operation of pits and quarries and wayside pits and quarries including,
 - (i) the use that shall be made of land set aside for the purpose,
 - (ii) the location, construction and use of buildings on the lands set aside for the purpose,
 - (iii) prescribing the hours during which any class or classes of activity may be carried on, on lands set aside for the purpose,
 - (iv) prescribing the sound levels permissible in their operation,
 - (v) governing final slopes, excavation set backs, fencing, tree screening and berming, warning signs, blasting requirements, roads and exits;
- (f) governing the rehabilitation of pits and quarries and wayside pits and quarries including the stockpiling of soil for the purpose;
- (g) requiring the payment of fees for licences and permits and prescribing the amounts thereof;

(h)

- (h) prescribing forms for the purposes of this Act and providing for their use;
- (i) respecting any matter considered necessary or advisable to carry out the intent and purpose of this Act.

(2) The Minister may, where in his opinion to do so would not be against the public interest, in writing relieve a licensee or permittee from strict compliance with any provision of the regulations subject to such terms and conditions as the Minister may impose.

Relief from compliance

20.—(1) This Act does not apply to operators of pits and quarries operating in a part of Ontario immediately before it is designated under section 2 until six months after the designation.

Application to existing pits and quarries

(2) This Act does not apply to operators of wayside pits or quarries operating in a part of Ontario immediately before it is designated under section 2 until one month after the designation.

Application to existing wayside pits and quarries

(3) Section 5 does not apply to applications for licences in respect of pits and quarries referred to in subsection 1.

Application of s. 5

21. *The Niagara Escarpment Protection Act* is repealed.

R.S.O. 1970, c. 297, repealed

22. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Commencement

23. This Act may be cited as *The Pits and Quarries Control Act, 1971*.

Short title

CHAPTER 97

An Act to amend The Niagara Parks Act

*Assented to July 28th, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 3 of *The Niagara Parks Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 298, s. 3,
subs. 2,
re-enacted

- (2) The Commission shall be composed of not fewer than ten and not more than twelve members appointed by the Lieutenant Governor in Council of whom, Composition
of
Commission
- (a) not fewer than six and not more than eight members shall be appointed for the terms prescribed in subsection 3;
 - (b) one member shall be a member of the council of The Regional Municipality of Niagara and shall be appointed annually upon the recommendation of such council;
 - (c) one member shall be a member of the council of the Town of Fort Erie and shall be appointed annually upon the recommendation of such council;
 - (d) one member shall be a member of the council of the City of Niagara Falls and shall be appointed annually upon the recommendation of such council; and
 - (e) one member shall be a member of the council of the Town of Niagara-on-the Lake and shall be appointed annually upon the recommendation of such council.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Niagara Parks Amendment Act, 1971*.

CHAPTER 98

An Act respecting the Age of Majority and Accountability

*Assented to July 28th, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.**—(1) Every person attains the age of majority and ceases to be a minor on attaining the age of eighteen years. Age of majority
- (2) Every person who on the day this Act comes into force has attained the age of eighteen years, but has not attained the age of twenty-one years, has attained the age of majority and ceased to be a minor. Reduction in age of majority
- 2.** Section 1 applies for the purpose of any rule of law in respect of which the Legislature has jurisdiction. Application of s. 1
- 3.**—(1) In the absence of a definition or of an indication of a contrary intention, section 1 applies for the construction of the expression “adult”, “full age”, “infant”, “infancy”, “minor”, “minority” and similar expressions in, References to “minor” and similar expressions
 - (a) any Act of the Legislature or any regulation, rule, order or by-law made under an Act of the Legislature enacted or made before, on or after the day this Act comes into force; and
 - (b) any deed, will or other instrument made on or after the day this Act comes into force.
- (2) The use of any expression set out in subsection 1 or any similar expression shall not, in itself, be taken to indicate a contrary intention for the purposes of this section without some further indication of a contrary intention. Idem
- 4.**—(1) The statutory provisions specified in the Schedule are amended by striking out the references therein to the age of twenty-one years and by substituting therefor in each instance a reference to the age of eighteen years. References to age of 21 in Acts, amended

References
in Federal
Acts adopted
by reference

5. Where, by any Act of the Legislature, an Act of Parliament or any provision thereof is made to apply in respect of any Act or matter or thing over which the Legislature has jurisdiction, in applying that Act of Parliament, or that provision thereof in respect of that Act, matter or thing, any reference to the age of twenty-one years in the Act of Parliament or that provision thereof shall be read as a reference to the age of eighteen years.

References
in court
orders

6.—(1) In any order or direction of a court made before the day this Act comes into force, in the absence of an indication of a contrary intention, a reference to the age of twenty-one years or to any age between eighteen and twenty-one years or to any of the expressions referred to in subsection 1 of section 3, and similar expressions shall be read as a reference to the age of eighteen years.

Idem

(2) The use of the words “twenty-one years” in an order or direction referred to in subsection 1 shall not in itself be taken to indicate a contrary intention for the purposes of this section without some further indication of a contrary intention.

Computing
age

7.—(1) The time at which a person attains a particular age expressed in years shall be on the commencement of the relevant anniversary of the date of his birth.

Idem

(2) This section applies only where the relevant anniversary falls on a day after the day on which this section comes into force, and in relation to any enactment, deed, will or other instrument, has effect subject to any provision therein.

Existing
wills

8. Notwithstanding any rule of law, a will or codicil executed before the day on which this Act comes into force shall not be treated for the purposes of this Act as made on or after that day by reason only that the will or codicil is confirmed by a codicil executed on or after that day.

Enactments
incorporated
in existing
deeds, etc.

9. This Act does not affect the construction of a provision of an Act of the Legislature or a regulation, rule, order or by-law made thereunder that is incorporated in and has effect as part of a deed, will or other instrument if the construction of the deed, will or other instrument is not affected by section 3.

10. This Act does not invalidate any direction for accumulation expressed in a settlement or other disposition made by deed, will or other instrument and executed before the day this Act comes into force that, but for this Act, was a permissible period of accumulation. Accumulations

11. This Act does not apply so as to affect the law relating to perpetuities. Perpetuities

12. This Act does not prejudice a right of action or a defence to an action based upon the age of a party and that was in existence on the day this Act comes into force and, notwithstanding this Act, the law that was in force immediately prior to that day applies in that case. Actions and defences

13. Where, on the day this Act comes into force, a person has, Limitation of actions

(a) attained the age of eighteen years but has not attained the age of twenty-one years; and

(b) a right of action in respect of which the period of limitation applicable to the bringing of the action would have commenced to run on his attaining the age of twenty-one years had this Act not been enacted,

the period of limitation in respect of that right of action commences to run on the day this Act comes into force.

14. Nothing in this Act prevents the making of an adoption order under *The Child Welfare Act* in respect of a person who has attained the age of eighteen years where the application for the adoption order was made before the day this Act comes into force and, in that case, *The Child Welfare Act* applies as if this Act had not been enacted. Adoptions
R.S.O. 1970,
c. 64

15. A person who has not attained the age of eighteen years may be described as a minor instead of as an infant. Persons under 18 described as minors

16. Section 15 of *The Infants Act* is repealed and the following substituted therefor: R.S.O. 1970,
c. 222, s. 15,
re-enacted

15. Nothing in sections 13 and 14 applies to a male infant under the age of eighteen years or to a female infant under the age of sixteen years. Case of males under 18 and females under 16

R.S.O. 1970,
c. 290, s. 6,
subs. 2,
amended

17. Subsection 2 of section 6 of *The Municipal Health Services Act* is amended by striking out "or over and less than twenty-one years of age" in the second line.

R.S.O. 1970,
c. 128, s. 2,
subs. 3,
amended

18.—(1) Subsection 2 of section 3 of *The Deserted Wives' and Children's Maintenance Act* is amended by inserting after "years" in the third line "or is sixteen or seventeen years of age and in full-time attendance at an educational institution".

R.S.O. 1970,
c. 67, s. 1,
amended

(2) Section 1 of *The Children's Maintenance Act* is amended by inserting after "years" in the second line "or who is or are sixteen or seventeen years of age and in full-time attendance at an educational institution".

R.S.O. 1970,
c. 222, s. 1,
amended

(3) Section 1 of *The Infants Act* is amended by adding thereto the following subsection:

Interpre-
tation

(4a) In subsection 4, "infant" means a person under sixteen years of age or a person sixteen or seventeen years of age who is in full-time attendance at an educational institution or through illness or infirmity is unable to earn a livelihood.

R.S.O. 1970,
c. 265, s. 5,
amended

(4) Section 5 of *The Matrimonial Causes Act* is amended by adding thereto the following subsection:

Interpre-
tation

(3) In this section, "children" means persons under sixteen years of age or persons sixteen or seventeen years of age who are in full-time attendance at an educational institution or through illness or infirmity are unable to earn a livelihood.

Commence-
ment

19.—(1) This Act, except section 4 and paragraphs 3, 12, 17, 18, 19, 21, 23, 24, 26, 27, 29, 31 and 32 of the Schedule, comes into force on the 1st day of September, 1971.

Idem

(2) Section 4 and paragraphs 3, 12, 17, 18, 19, 21, 23, 24, 26, 27, 29, 31 and 32 of the Schedule come into force on the 28th day of July, 1971.

Short title

20. This Act may be cited as *The Age of Majority and Accountability Act, 1971*.

SCHEDULE

1. *The Agricultural Development Act*

- i. Clause *a* of section 11.

2. *The Apprenticeship and Tradesmen's Qualification Act*

- i. Subclause iii of clause *c* of section 13.
- ii. Section 15.

3. *The Assessment Act*

- i. Clauses *e*, *f* and *g* of subsection 1 of section 18.

4. *The Business Corporations Act*

- i. Subsections 1 and 5 of section 4.
- ii. Subsection 1 of section 125.

5. *The Change of Name Act*

- i. Clauses *a* and *b* of subsection 3 of section 13.

6. *The Child Welfare Act*

- i. Subsection 4 of section 20.
- ii. Subsection 1 of section 52.
- iii. Subsection 4 of section 70.
- iv. Clauses *a* and *b* of subsection 1 and subsection 4 of section 72.
- v. Subsections 1, 2 and 8 of section 73.
- vi. Subsection 1 of section 75.

✓7. *The Children's Institutions Act*

- i. Clause *c* of section 1.

8. *The Commissioners for Taking Affidavits Act*

- i. Subsection 1 of section 5.

✓9. *The Corporations Act*

- i. Subsection 1 of section 4.
- ii. Subsection 1 of section 206.
- iii. Subsection 1 of section 215.

iv. Subsection 1 of section 218.

v. Section 239.

vi. Subsection 4 of section 316.

10. *The Credit Unions Act*

i. Section 25.

✓ 11. *The Dower Act*

i. Section 20.

✓ 12. *The Election Act*

i. Clause *a* of subsection 1 of section 9.

13. *The Homes for the Aged and Rest Homes Act*

i. Clauses *a* and *b* of subsection 2 of section 16.

✓ 14. *The Infants Act*

i. Subsection 1 of section 13.

ii. Section 17.

15. *The Junior Farmer Establishment Act*

i. Clause *a* of subsection 1 of section 12.

16. *The Jurors Act*

i. Subsection 1 of section 2.

ii. Subsection 5 of section 44.

17. *The Legislative Assembly Act*

i. Subsection 1 of section 6.

✓ 18. *The Liquor Control Act*

i. Subsections 1, 2, 3 and 4 of section 70.

19. *The Liquor Licence Act*

i. Subsections 1, 2 and 5 of section 56.

ii. Subsections 1 and 2 of section 57.

20. *The Loan and Trust Corporations Act*

- i. Subsection 2 of section 35.
- ii. Section 102.

21. *The Local Roads Boards Act*

- i. Subsections 1 and 2 of section 4.
- ii. Clause *a* of section 5.

22. *The Mining Act*

- i. Section 33.

23. *The Municipal Act*

- i. Subsection 8 of section 10.
- ii. Subsection 2 of section 14.
- iii. Clause *d* of subsection 1 and subsection 5 of section 35.
- iv. Clause *a* of subsection 1 of section 38.
- v. Form 1.
- vi. Form 12.

24. *The Municipal Franchise Extension Act*

- i. Clause *a* of subsection 2 of section 1.
- ii. Section 2.

25. *The Partnerships Registration Act*

- i. Clause *e* of section 2.

26. *The Public Libraries Act*

- i. Clause *b* of section 4.
- ii. Subsection 5 of section 7.
- iii. Subsection 2 of section 47.

27. *The Public Schools Act*

- i. Clause *b* of subsection 1 of section 13.
- ii. Subsection 7 of section 34.

28. *The Registry Act*

- i. Subsections 1, 2, 3 and 4 of section 42.

29. *The Secondary Schools and Boards of Education Act*

- i. Clause *b* of subsection 1 of section 5.
- ii. Clause *b* of subsection 1 of section 39.

30. *The Seduction Act*

- i. Section 4.

31. *The Separate Schools Act*

- i. Section 19.
- ii. Subsection 1 of section 24.
- iii. Subsection 1 of section 28.
- iv. Subsection 12 of section 29.
- v. Clause *a* of section 45.

32. *The Statute Labour Act*

- i. Clause *a* of subsection 1 of section 5.
- ii. Clause *a* of subsection 2 of section 16.
- iii. Subsection 1 of section 19.
- iv. Clause *a* of subsection 3 of section 24.

33. *The Succession Duty Act*

- i. Clause *c* of subsection 11 of section 7.

34. *The Surrogate Courts Act*

- i. Subsection 1 of section 50.

35. *The Vital Statistics Act*

- i. Subclause ii of clause *c* of subsection 1 of section 12.

36. *The Wills Act*

- i. Section 10.
- ii. Subsection 2 of section 13.

37. *The Workmen's Compensation Act*

- i. Subsection 7 of section 8.
- ii. Section 50.

CHAPTER 99

**An Act to amend
The Homes for the Aged and Rest Homes Act**

*Assented to July 28th, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Homes for the Aged and Rest Homes Act* is amended by adding thereto the following section: R.S.O. 1970,
c. 206,
amended

11a. Before selecting or acquiring a site or erecting or acquiring a building for use as a home or joint home, the municipality or band establishing the home or the municipalities or bands establishing a joint home shall, Evaluation
and survey

(a) evaluate the site in accordance with the regulations to determine whether it will best serve the programs of the home and the best interests of the prospective residents; and

(b) conduct a survey of the community and review of population requirements in accordance with the regulations,

and submit a report thereof to the Minister.

2. Subsection 1 of section 12 of *The Homes for the Aged and Rest Homes Act* is repealed and the following substituted therefor: R.S.O. 1970,
c. 206, s. 12,
subs. 1,
re-enacted

(1) A building shall not be acquired, erected or altered for use as a home or joint home until the need for the home or joint home has been established to the satisfaction of the Minister and, Site and
plants, etc.,
to be
approved

(a) the site, selected and evaluated in accordance with the regulations; and

(b)

- (b) the plans therefor developed and prepared in accordance with the regulations,

have been approved in writing by the Minister.

R.S.O. 1970,
c. 206, s. 23,
amended

3.—(1) Section 23 of *The Homes for the Aged and Rest Homes Act* is amended by renumbering subsection 1 as subsection 1c and by adding thereto the following subsections:

Assessment
to be
revised and
equalized

- (1) For the purposes of this Act, the Department of Municipal Affairs shall in each year revise and equalize the assessment rolls of the municipalities in each territorial district and in making the equalization of assessment there shall be added where applicable to the valuation of each municipality,

R.S.O. 1970,
c. 32

- (a) the amounts obtained under subsections 2 and 3 of section 72 of *The Assessment Act* as varied by subsection 4 of section 72 of that Act; and

R.S.O. 1970,
c. 284

- (b) the amounts credited to the municipality under section 304 of *The Municipal Act*.

Appeal

- (1a) Any municipality in a district that is not satisfied with the last revised assessment of any municipality in the district as equalized for the purposes of this Act, may appeal by notice in writing to the Ontario Municipal Board from the decision of the Department of Municipal Affairs as varied by any amounts added in accordance with subsection 1 at any time within thirty days after the mailing of the equalized report to the appealing municipality by the Department of Municipal Affairs.

Idem

- (1b) Every report of an equalization made for the purposes of this Act shall set out the time within which an appeal may be made to the Ontario Municipal Board with respect to such equalization.

R.S.O. 1970,
c. 206, s. 23,
subs. 2,
repealed

- (2) Subsection 2 of the said section 23 is repealed.

R.S.O. 1970,
c. 206, s. 23,
subs. 6,
amended

- (3) Subsection 6 of the said section 23 is amended by striking out "subsection 2" in the third line and inserting in lieu thereof "subsection 1".

R.S.O. 1970,
c. 206, s. 30,
subs. 1,
amended

4. Subsection 1 of section 30 of *The Homes for the Aged and Rest Homes Act* is amended by adding thereto the following clauses:

(fa)

(fa) prescribing procedures for selecting and evaluating the site for a home or joint home and for conducting a survey of the community and a review of population requirements and the contents of the report to be submitted to the Minister under section 11a;

(fb) prescribing procedures for the development and preparation of plans for sites and buildings and the information to be contained in such plans.

5. This Act comes into force on the day it receives Royal ^{Commence-}Assent^{ment}.

6. This Act may be cited as *The Homes for the Aged and* ^{Short title}*Rest Homes Amendment Act, 1971.*

CHAPTER 100

An Act to amend The Election Act

Assented to July 28th, 1971
Legislature Dissolved September 13th, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *d* of section 1 of *The Election Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 142, s. 1,
cl. *d*,
re-enacted

(*d*) “corrupt practice” means any act or omission, in connection with an election, in respect of which an offence is provided under the *Criminal Code* (Canada) or which is a corrupt practice under this Act.

1953-54,
c. 51 (Can.)

(2) Paragraph 4 of clause *m* of the said section 1 is repealed.

R.S.O. 1970,
c. 142, s. 1,
cl. *m*, par. 4,
repealed

2. *The Election Act* is amended by adding thereto the following section:

R.S.O. 1970,
c. 142,
amended

4a.—(1) Subject to the approval of the Chief Election Officer, every returning officer may appoint an assistant revising officer to assist him with the revision of the list of voters.

Assistant
revising
officer

(2) Every assistant revising officer shall have the like qualifications as a returning officer and, upon being appointed, shall take and subscribe the prescribed oath.

Oath

3. *The Election Act* is amended by adding thereto the following section:

R.S.O. 1970,
c. 142,
amended

22a. Assistant revising officers appointed under section 4a have the same powers and duties as a returning officer respecting the revision of lists of voters, and all references to the returning officer in sections 23 to 33 shall be deemed to include assistant revising officers.

Powers of
assistant
revising
officers

R.S.O. 1970,
c. 142, s. 32,
re-enacted

4. Section 32 of *The Election Act* is repealed and the following substituted therefor:

Statement of
changes and
additions to
candidates

32. A statement of changes and additions shall be prepared and certified and the returning officer shall forthwith send six copies to each candidate or his official agent.

R.S.O. 1970,
c. 142, s. 35,
subs. 1,
amended

5.—(1) Subsection 1 of section 35 of *The Election Act* is amended by adding “or” at the end of clause *c* and by adding thereto the following clause:

(*d*) a person absent from his regular residence by reason of attending an educational institution, who is entered on the list for the polling subdivision in which he normally resides and who expects by reason of such absence to be unable to vote at the advance poll or on polling day.

R.S.O. 1970,
c. 142, s. 35,
subs. 2,
re-enacted

(2) Subsection 2 of the said section 35 is repealed and the following substituted therefor:

Appointment
of proxy

(2) Any person who is entitled to vote at an election by proxy under this section may appoint in writing a proxy who shall be a qualified voter in the electoral district in which such person is entitled to vote and who, unless such proxy is the child, grandchild, brother, sister, parent, grandparent, husband or wife of such person, has not been appointed a proxy for any other voter qualified to vote at such election.

R.S.O. 1970,
c. 142, s. 35,
subss. 4, 5,
re-enacted

(3) Subsections 4 and 5 of the said section 35 are repealed and the following substituted therefor:

Application
of proxy to
be entered on
list

(4) A person who has been appointed a voting proxy may apply to the returning officer or assistant revising officer to be entered upon the list for the polling subdivision in which the person appointing the proxy is entitled to vote.

Evidence to
be taken by
returning
officer or
assistant

(5) The returning officer or assistant revising officer on any day up to and including the last day of the revision shall take evidence on oath as to the right of the person appointing the proxy to vote in the subdivision upon the list for which his name is entered

and

and as to the qualifications of the voting proxy, and, if he finds that the person appointing the proxy is duly qualified and that the voting proxy is qualified to act for the person appointing the proxy, he shall give a certificate across the face of the appointment of the voting proxy to that effect and shall cause the name of the voting proxy to be entered on the polling list after the name of the person appointing the proxy.

6. Subsection 1 of section 37 of *The Election Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 142, s. 37, subs. 1, re-enacted

- (1) No person who has been engaged as a returning officer, an assistant revising officer or an enumerator in the preparation of the lists of voters to be used at an election is eligible as a candidate at the election. Who may not be candidate

7. Subsection 3 of section 58 of *The Election Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 142, s. 58, subs. 3, re-enacted

- (3) Except where a certificate is requested at least forty-eight hours before polling day, the returning officer may at his discretion refuse such a certificate. Time of request

8. Subsection 1 of section 78 of *The Election Act* is amended by striking out "territory without municipal organization" in the first line and inserting in lieu thereof "polling subdivisions declared to be rural polling subdivisions by the Chief Election Officer", so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1970, c. 142, s. 78, subs. 1, amended

- (1) In polling subdivisions declared to be rural polling subdivisions by the Chief Election Officer, any qualified voter whose name has been omitted in error from the polling list may apply to the deputy returning officer for the polling subdivision in which he resides to have his name added to the list, and his name shall be added to the list, Where voter's name omitted in rural polling subdivisions

9. Part VII of *The Election Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 142, Part VII (ss. 133-141), re-enacted

PART VII

OFFENCES, PENALTIES AND ENFORCEMENT

Voting
when not
qualified,
etc.

133. Every person who, at an election,

- (a) not being qualified to vote, votes; or
- (b) being qualified to vote, votes more than once;
or
- (c) votes in an electoral district or polling sub-
division other than the one in which he is
entitled to vote by this Act,

is guilty of a corrupt practice and is liable to a fine
of not more than \$1,000, or to imprisonment for a term
of not more than six months, or to both.

Improper
voting by
proxy

134. Every person who,

- (a) having appointed a voting proxy to vote at
an election, attempts to vote at the election
otherwise than by means of such voting proxy
while the voting proxy is in force; or
- (b) having been appointed a voting proxy at an
election, votes or attempts to vote at the
election under the authority of the proxy
when he knows or has reasonable grounds
for supposing that his appointment has been
cancelled or that the voter who made the
appointment is dead or is no longer entitled
to vote,

is guilty of a corrupt practice and is liable to a fine
of not more than \$1,000, or to imprisonment for a
term of not more than six months, or to both.

Wilful
miscount of
ballots

135. Every deputy returning officer or poll clerk who
wilfully miscounts the ballots or otherwise wilfully
makes up a false statement of the poll is guilty of
a corrupt practice and is liable to a fine of not more
than \$1,000, or to imprisonment for a term of not
more than six months, or to both.

Neglect of
duties

136. Every returning officer, deputy returning officer or
poll clerk who refuses or neglects to perform any of
the duties imposed upon him by this Act is guilty
of an offence and on summary conviction is liable
to a fine of not more than \$1,000.

137. Every person who,

Offences
relating
to ballot
papers

- (a) without authority, supplies a ballot to any person;
- (b) places in a ballot box a paper other than the ballot that he is authorized by law to place therein;
- (c) delivers to the deputy returning officer to be placed in the ballot box any other paper than the ballot given to him by the deputy returning officer;
- (d) takes a ballot out of the polling place;
- (e) without authority, takes, opens or otherwise interferes with a ballot box or books or packet of ballots or a ballot in use or used for the purpose of an election;
- (f) being a deputy returning officer, knowingly puts his initials on the back of any paper purporting to be or capable of being used as a ballot at an election;
- (g) being authorized by the Chief Election Officer to print the ballots for an election, prints more ballots than he is authorized to print; or
- (h) attempts to commit any offence mentioned in this section,

is guilty of a corrupt practice and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.

138. Every person who knowingly furnishes false or misleading information to any person who by this Act is authorized to obtain information is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.

False
information
to authorized
persons

139. Every official agent or candidate who makes default in delivering the statements required by Part IX to the returning officer is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

Default in
delivering
statement

False
statement

140. Every official agent or candidate who wilfully furnishes an untrue statement to the returning officer is guilty of a corrupt practice and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.

Offences,
aiding
corrupt
practice;
inducing
unqualified
person to
vote; false
statement
of withdrawal
of candidate

141. Every person who,
- (a) induces or procures any person to vote knowing that that person has no right to vote; or
 - (b) before or during an election knowingly publishes a false statement of the withdrawal of a candidate,

is guilty of a corrupt practice and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.

General
offence

142. Every person who contravenes any of the provisions of this Act, for which contravention no penalty is otherwise provided, is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

Disqualifica-
tion of
persons
guilty of
corrupt
practice

- 143.—(1) Where a candidate at an election, or his official agent, is convicted of committing a corrupt practice, the candidate is ineligible to stand as a candidate at any election up to and including the next general election, or to hold any office at the nomination of the Crown or the Lieutenant Governor in Council for five years following the date of the official return and, if the corrupt practice is committed by the official agent, he is also liable to such penalties and disabilities.

Limitation

- (2) If, when the candidate or his official agent is convicted of committing a corrupt practice, the presiding judge finds that the act constituting in law a corrupt practice was committed without any corrupt intent, the candidate or official agent is not subject to the penalties and disabilities provided by subsection 1.

Report re
conduct of
election

144. The Chief Election Officer, in addition to any other requirements of this Act with respect to the tabling of the results of an election, shall report to the Assembly whether or not in his opinion the conduct of the election was free or otherwise of any of the actions which are declared to be offences or corrupt practices under this Act.

PART VIII

CORRUPT PRACTICES AND CONTROVERTED ELECTIONS

- 145.—(1) The validity of the election in any electoral district or of the election of any person to the Assembly or of the right of any person to sit in the Assembly or whether or not any person is guilty of a corrupt practice shall be tried and determined by an action commenced by issuing a writ in the Supreme Court. Validity of election, etc., determined by action
- (2) Where the Supreme Court determines that a person has committed a corrupt practice it may, in addition to any other penalty or order, impose the penalties provided therefor under Part VII. Penalties for corrupt practice
- (3) A candidate at an election or any voter qualified to vote at an election or the Chief Election Officer, if he considers that it is in the public interest that an action be commenced, may commence an action. Who may commence action
- (4) No action shall be commenced after the expiration of ninety days following the date of the official election returns, but this subsection does not apply to the Chief Election Officer who may commence an action under this Part at any time. Time for commencing action
- (5) Upon receipt of a writ of summons, the local registrar of the Supreme Court shall send notice thereof by registered mail to the Registrar of the Supreme Court. Local registrar to notify Registrar
- (6) The Registrar shall send a notice by registered mail to the Chief Election Officer of every writ of summons issued under this Part by anyone other than the Chief Election Officer. Registrar to notify Chief Election Officer
- (7) The Chief Election Officer shall notify the Assembly, through the Clerk of the Assembly, of any action commenced under the authority of this section, and shall also notify the returning officer of the electoral district to which the writ of summons relates. Chief Election Officer to notify Assembly and returning officer
- (8) The returning officer, after receipt of a notification under subsection 6, shall forthwith publish a notice thereof in the prescribed form once in a newspaper published in the electoral district or, if there is no newspaper published in the electoral district, then in a newspaper having general circulation in the electoral district. Publication of notice by returning officer

Practice and
procedure

146.—(1) Where not otherwise provided in this Act and subject to the rules of court, the practice and procedure of the Supreme Court apply to an action commenced under this Part.

Judge
without
jury

(2) The action shall be tried by a judge without a jury.

Intervention
in action by
Chief
Election
Officer

147.—(1) The Chief Election Officer, following receipt of the notice under subsection 6 of section 145, may apply to a judge of the Supreme Court, or to the judge presiding at the trial for leave to intervene in the action for the purpose of bringing any evidence before the court or for any other valid reason.

Notice of
application
to be filed
and served

(2) Where the Chief Election Officer applies prior to the trial for leave to intervene, he shall file notice of the application in the office in which the action was commenced and shall serve copies thereof on all parties.

Where leave
granted

(3) If the judge grants leave to intervene, he shall give directions as to appearance and procedure in respect of the Chief Election Officer including leave to subpoena witnesses to attend at the trial, and thereafter, the Chief Election Officer shall be served with all proceedings in the action.

Security for
costs

148.—(1) At the time of the commencement of an action, security shall be given on behalf of the plaintiff, other than the Chief Election Officer, to be applied towards payment of all costs, charges and expenses, if any, that may become payable by the plaintiff, including the costs and charges of the returning officer incurred in the publication of notices in the electoral district in respect of the writ of the action or proceedings therein.

Idem

(2) The security shall be in the amount of \$1,000 and shall be given in accordance with the practice in cases where a plaintiff resides out of Ontario.

Disclaimer
not to affect
action
R.S.O. 1970,
c. 240

149. A disclaimer by an elected member under *The Legislative Assembly Act* does not affect the right of any person entitled to commence an action under this Part and an action may be commenced in the same manner as if the member elected had not disclaimed.

Abatement
of action

150.—(1) An action abates on the death of a sole plaintiff or the survivor of several plaintiffs.

- (2) The abatement of an action does not affect any Liability for costs liability for costs previously incurred.
- (3) On the abatement of an action, notice of the Substitution of plaintiff abatement shall be given by the Registrar of the Supreme Court in the prescribed form in the electoral district and any person who might have been a plaintiff may apply to a judge of the Supreme Court or, during the trial, to the trial judge to be substituted as the sole plaintiff.
151. Where a plaintiff is not qualified to be a plaintiff in an Substitution for unqualified plaintiff action under this Part, the action shall not on that account be dismissed if within such time as a judge of the Supreme Court or, during the trial, the trial judge allows for that purpose, another plaintiff is substituted and substitution shall be made on such terms and conditions as the judge considers proper.
- 152.—(1) If, before or during the trial, Death of defendant, etc., at or before trial
- (a) the defendant dies; or
 - (b) the Assembly resolves that the seat is vacant; or
 - (c) the defendant gives notice to the court that he does not intend to oppose, or further oppose the action,
- notice of such event shall be given by the Registrar of the Supreme Court in the prescribed form in the electoral district.
- (2) Within twenty days after notice is given in the Substituted or further defendant electoral district under subsection 1, any person who might have been a plaintiff may apply to a judge of the Supreme Court or, during the trial, to the trial judge to be admitted as a defendant to oppose the action, or so much thereof as remains undisposed of, and may be admitted accordingly, either with the defendant, if there is a defendant, or in place of the defendant, and any number of persons not exceeding three, may be so admitted.
- (3) If any of the events mentioned in subsection 1 Adjournment of trial happen during the trial, the court shall adjourn the trial in order that notice may be given in the electoral district.

Where notice
of intention
not to oppose
given

- (4) The defendant who has given the notice under clause *c* of subsection 1 shall not be allowed to appear or act as a party against the action in any proceeding thereon and shall not sit or vote in the Assembly until the Assembly has been informed of the judgment in the action, and the court shall report the giving of the notice to the Assembly through the Clerk of the Assembly.

Successful
candidate
guilty of
corrupt
practice

- 153.—(1) Where it is determined that the successful candidate, or his official agent, is guilty of a corrupt practice, the court may declare his election void.

Unseating
and seating
of another
elected
candidate

- (2) Where the election of any person is declared void, the court may order that he be removed from office and, if it is determined that any other person was elected, that he be admitted to take his seat in the Assembly or, if it is determined that no other person is elected, the court may provide for the holding of a new election.

Where
commission
of corrupt
practice
affected
result of
election

- (3) Where it is determined that any person is guilty of a corrupt practice and that the commission of the corrupt practice affected the result of the election, the court may declare the election void and provide for holding a new election.

Unseating of
disqualified
person

- (4) Where it is determined that a person elected has become disqualified or has forfeited his seat, the court may order that he be removed from office and provide for the holding of a new election.

Where act
of election
official
affected
result of
election

- (5) Where it is determined that any act or omission of an election official affected the result of an election, the court may declare the election void and provide for holding a new election.

Compensa-
tion of
candidates
where
election void

- (6) Where a new election is ordered, the court may make such order as it considers just, against any person who is found guilty of an offence or a corrupt practice under this Act, for the compensation of candidates at the void election, not exceeding \$10,000 per candidate.

Judgment to
Legislative
Assembly

- (7) The Registrar of the Supreme Court shall forward the judgment and the reasons for judgment to the Assembly through the Clerk of the Assembly.

Where
election set
aside and
appeal
entered

- 154.—(1) If the court determines that a member was not duly returned, notwithstanding that an appeal from

the

the decision is pending, he is not entitled to sit or vote in the Assembly until the appeal is disposed of and the judgment of the court is received by the Assembly, but where the court determines that some other person was elected or is entitled to the seat, such person is, notwithstanding that an appeal is pending, entitled to take his seat in the Assembly and to sit and vote until the appeal is disposed of and the judgment of the court is received by the Assembly.

- (2) In the cases to which subsection 1 applies, where an appeal is entered, the Registrar shall forthwith notify the Clerk of the Assembly that an appeal is pending from the decision of the court. Notice of appeal to Clerk
155. A writ for a new election shall not be issued until after the expiration of the time limited for appeal from the determination of the Supreme Court that the election is void and, if an appeal is brought, the writ shall not issue pending the appeal. Time for issue of writ for new election
- 156.—(1) An appeal lies from the judgment of the Supreme Court to the Court of Appeal. Appeal to Court of Appeal
- (2) The Registrar shall set the appeal down for hearing at the next sittings, and the party appealing shall, within ten days, give to the parties affected by the appeal, or the solicitors by whom such parties were represented before the trial judge, and to the Chief Election Officer, notice in writing that the case has been so set down, and the appeal shall be heard by the Court of Appeal as speedily as practicable. Setting down for hearing, etc.
- (3) The Court of Appeal may give any judgment that ought to have been pronounced or may grant a new trial for the purposes of taking evidence or additional evidence and may remit the case to the trial judge or to another judge and, subject to any directions of the Court of Appeal, the case shall thereafter be proceeded with as if there had been no appeal. Judgment or new trial
- (4) An appeal lies from the decision of the trial judge to whom the case was remitted by the Court of Appeal in accordance with the provisions of this section. Appeal from decision on new trial
157. The Lieutenant Governor in Council, upon the recommendation of the Assembly, may issue a commission to inquire into whether corrupt practices extensively

prevailed

prevailed at the election and the Commissioner has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*.

R.S.O. 1970,
c. 379

R.S.O. 1970,
c. 142,
Part VIII
(ss. 142-150),
renumbered

10. Part VIII of *The Election Act* is renumbered as Part IX and sections 142 to 147 are renumbered as sections 158 to 163 respectively.

R.S.O. 1970,
cc. 84, 345,
repealed

11. *The Controverted Elections Act* and *The Personation Act* are repealed.

Commence-
ment

12. This Act comes into force on the day it receives Royal Assent.

Short title

13. This Act may be cited as *The Election Amendment Act, 1971*.

CHAPTER 101

**An Act to amend
The Legislative Assembly Act**

*Assented to July 28th, 1971
Legislature Dissolved September 13th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 28 of *The Legislative Assembly Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 240, s. 28, re-enacted

28.—(1) Subject to section 25, where a vacancy occurs in the membership of the Assembly, a writ shall be issued within six months after receipt by the Chief Election Officer of the warrant for the issue of a writ for the election of a member to fill such vacancy. Where vacancy exists in Assembly

(2) This section does not apply where the vacancy occurs in the last year of the legal life of the Assembly. Non-application of section

(3) If the Legislature is dissolved after the issue of a writ under subsection 1 and before an election is held under the writ, the writ is revoked on the dissolution of the Legislature. Writ revoked on dissolution of Legislature

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Legislative Assembly Amendment Act, 1971*. Short title

CHAPTER 102

An Act to amend The Mining Act

Assented to July 28th, 1971
Legislature Dissolved September 13th, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 28 of *The Mining Act* is amended by striking out “upon producing his licence” in the third line and by adding at the end thereof “except as provided under subsection 5”, so that the subsection shall read as follows:

R.S.O. 1970,
c. 274, s. 28,
subs. 1,
amended

- (1) A licensee is entitled to a renewal of his licence before its expiration upon making application therefor in the prescribed form and paying the prescribed fee, except as provided under subsection 5.

Renewal of
licences

(2) Subsection 3 of the said section 28 is amended by adding at the end thereof “except as provided under subsection 5”, so that the subsection shall read as follows:

R.S.O. 1970,
c. 274, s. 28,
subs. 3,
amended

- (3) The renewal shall bear date on the 1st day of April and shall be deemed to have been issued and shall take effect immediately upon the expiration of the licence of which it is a renewal, or of the last preceding renewal, as the case may be, except as provided under subsection 5.

Date and
effect of
renewal

(3) Subsection 5 of the said section 28 is repealed and the following substituted therefor:

R.S.O. 1970,
c. 274, s. 28,
subs. 5,
re-enacted

- (5) The Minister shall renew the licence of a person who has held a licence continuously for twenty-five years, without fee, and the licence shall remain in good standing during the lifetime of the licensee and shall expire at 12 o'clock midnight of the day of death of the licensee.

Renewal of
licence for
lifetime of
holder by
Minister

R.S.O. 1970,
c. 274, s. 85,
subs. 6,
amended

2. Subsection 6 of section 85 of *The Mining Act* is amended by striking out “and at least one day’s work must be filed on each claim grouped for a filing of work” in the tenth and eleventh lines, so that the subsection shall read as follows:

Work to be
performed
on claims

- (6) A licensee may perform or cause to be performed on one or more unpatented claims any of the work required to be performed in respect of contiguous unpatented claims recorded in his name or of which he is the optionee of record, and the reports of work and the certificates to be filed in respect of the work shall indicate the claim or claims on which the work was performed and the claim or claims upon which it is to be applied, but in no case, except for work required under subsection 17 of section 104, shall more than 4,000 days work be performed on a claim for application on other claims.

R.S.O. 1970,
c. 274, s. 86,
subs. 6,
re-enacted

3.—(1) Subsection 6 of section 86 of *The Mining Act* is repealed and the following substituted therefor:

Core
specimens

- (6) Where core specimens are submitted with the report and core log for the core drilling referred to in subsection 5, and the core specimens,
- (a) are representative of rock types encountered for the drill hole;
 - (b) are not less than 3 inches in length;
 - (c) are taken at intervals of not less than 25 feet throughout the length of the hole and are clearly labelled as to the footage; and
 - (d) are taken at intervals of less than 25 feet where structural changes in the rock type occur,

each specimen counts as one day’s work, but in the case of the specimens referred to in clause *d* the work credit shall not exceed in number of days the total footage of the hole drilled divided by 25.

R.S.O. 1970,
c. 274, s. 86,
subss. 18-20,
re-enacted

(2) Subsections 18, 19 and 20 of the said section 86 are repealed and the following substituted therefor:

Beneficiation
studies, etc.,
to count as
work

- (18) Beneficiation studies, analyses, assays, microscopic studies and other types of exploration or development work not otherwise provided for in this Act may be counted as work at a rate not exceeding one day’s

work

work for each \$15 expended, but not more than sixty days work may be recorded in respect of each claim, and credit for the work shall be cancelled by the recorder unless satisfactory reports, maps and proof of expenditures in duplicate are submitted to and approved by the Minister within sixty days of recording the work, or within such additional time not exceeding sixty days as the Minister may allow.

- (19) Where work submitted under subsection 18 has been paid for with a coupon or coupons obtained under section 72, the expenditure represented shall be calculated according to the schedule of charges of the Laboratory and Research Branch, Department of Mines and Northern Affairs. Expenditure where coupons used
- (20) Where the approval of the Minister is required for work credits, approval by him of the amount of work is final. Work credits

4.—(1) Clause *a* of subsection 1 of section 95 of *The Mining Act* is amended by inserting after “fee” in the fifth line “except as provided under subsection 5 of section 28”, so that the clause shall read as follows: R.S.O. 1970, c. 274, s. 95, subs. 1, cl. *a*, amended

- (*a*) where the licence of the claim holder has expired, the Commissioner may make an order upon such terms as he considers just relieving the claim from forfeiture and authorizing a special renewal of the licence on payment of twice the prescribed fee except as provided under subsection 5 of section 28; or

- (2) Subsection 10 of the said section 95 is repealed.

R.S.O. 1970, c. 274, s. 95, subs. 10, repealed

5.—(1) Subsection 2 of section 127 of *The Mining Act* is repealed and the following substituted therefor: R.S.O. 1970, c. 274, s. 127, subs. 2, re-enacted

- (2) Application for a quarry permit may be made in the prescribed form to the Minister, Deputy Minister or a recorder. Application

(2) Subsection 4 of the said section 127 is amended by striking out “100 cubic yards or 100 tons” in the fifth line and inserting in lieu thereof “500 cubic yards”, so that the subsection shall read as follows: R.S.O. 1970, c. 274, s. 127, subs. 4, amended

Issue free
of charge

- (4) Notwithstanding subsection 3, a quarry permit may be issued free of charge to any municipality, or to any resident of Ontario if the material to be taken or removed is for his own use and not for sale or for use for any commercial or industrial purpose, but, where more than 500 cubic yards of material is to be taken or removed, the permit shall not be issued free of charge without the approval of the Minister.

R.S.O. 1970,
c. 274, s. 127,
subs. 5,
re-enacted

- (3) Subsection 5 of the said section 127 is repealed and the following substituted therefor:

Term

- (5) A quarry permit shall expire on the first anniversary date of its issue, unless otherwise stated in the permit.

R.S.O. 1970,
c. 274, s. 130,
amended

- 6.** Section 130 of *The Mining Act* is amended by inserting after "Minister" in the first line "Deputy Minister or a recorder", so that the section shall read as follows:

Power to
inspect

130. Any person authorized by the Minister, Deputy Minister or a recorder may enter any premises covered by a quarry permit and shall have access to all accounts, records and documents kept in relation to the operation of the quarry.

R.S.O. 1970,
c. 274, s. 133,
re-enacted

- 7.** Section 133 of *The Mining Act* is repealed and the following substituted therefor:

Offence

133. Every person who contravenes any of the provisions of this Part is guilty of an offence and is liable to a fine of not more than \$1,000.

R.S.O. 1970,
c. 274, s. 654,
re-enacted

- 8.** Section 654 of *The Mining Act* is repealed and the following substituted therefor:

Voluntary
surrender of
mining lands

- 654.—(1) The owner, lessee or licensee of any mining lands or mining rights granted under this Act or any other Act, may voluntarily surrender such lands or mining rights to the Crown and thereupon the Minister may cause a notice of determination to be filed in the proper land titles or registry office, as the case may be.

Prospecting,
etc., on
surrendered
lands

- (2) Lands or mining rights surrendered to the Crown under subsection 1 shall not be open for prospecting, staking out, sale or lease under the Act until a date fixed by the Deputy Minister, notice of which shall be published in *The Ontario Gazette* at least two weeks prior thereto.

9.—(1) Paragraph 7 of subsection 1 of section 656 of *The Mining Act* is repealed and the following substituted therefor:

R.S.O. 1970,
c. 274, s. 656,
subs. 1, par. 7,
re-enacted

7. A licensee shall expend annually in geophysical, geological or other exploratory work of a similar nature, or drilling, a sum equal to \$1 per acre, but in no case shall such annual expenditure be less than \$25,000 and,

- i. where the licensee has expended an amount in excess of the required annual expenditure, the excess amount so expended may be credited towards the amount required to be expended in the second or following years of the licence,
- ii. where the Minister is satisfied that a *bona fide* attempt has been made by the licensee to meet the required annual expenditure, and where due to weather or other conditions beyond his control, the licensee is prevented from carrying out the work requirements, the Minister, by written order issued prior to the anniversary date of the licence, may extend the time for a period of not more than one year, provided bearer bonds acceptable to the Minister or a promissory note guaranteed by a Canadian chartered bank is deposited with the Minister equal in amount to the amount required to be expended,
- iii. upon the required expenditure being made within the time so extended, the bearer bonds or promissory note so deposited shall be returned to the licensee,
- iv. where the licensee fails to comply with the required expenditure within the extended time, the deposit is forfeited to and becomes the property of the Crown.

(2) Subparagraph i of paragraph 9 of subsection 1 of the said section 656 is amended by striking out "the" where it occurs the first time in the first line and inserting in lieu thereof "each", so that the subparagraph shall read as follows:

R.S.O. 1970,
c. 274, s. 656,
subs. 1, par. 9,
subpar. i,
amended

- i. within thirty days after each anniversary date of the licence, prove to the satisfaction of the Minister that he has expended the amount required in the manner provided in paragraph 7.

R.S.O. 1970,
c. 274, s. 656,
amended

(3) The said section 656 is amended by adding thereto the following subsections:

Reduction
in acreage

(1a) The licensee may make application to the Minister within thirty days prior to the anniversary date of the licence for a reduction in the acreage included in the licence and the annual expenditure for the year of the term in which the surrender is made shall be based on the area of the licence at the commencement of that year of the term but the expenditure for ensuing years shall be based on the area being retained, but in no case shall such annual expenditure be less than \$25,000 and the area surrendered shall be in one block.

Lease

(1b) Where the required expenditure has been made and a deposit of economic importance has been found to the satisfaction of the Minister, and the area included in the licence is reduced as provided in subsection 1a, the licensee shall be entitled to apply for a lease of 10 per cent of the reduced area and not 10 per cent of the area for which the licence was originally issued and the lease issued shall be in one block.

Previous
forfeitures
validated

10. Every forfeiture of lands and mining rights heretofore made under Part XIV of *The Mining Act* shall be deemed to be valid notwithstanding that such forfeiture would, but for this section, be invalid or void.

Commence-
ment

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The Mining Amendment Act, 1971*.

CHAPTER 103

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1972.

*Assented to July 28th, 1971
Legislature Dissolved September 13th, 1971*

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from the Honourable ^{Preamble} William Ross Macdonald, Lieutenant Governor of the Province of Ontario, and the estimates accompanying the same, that the sums mentioned in the Schedule to this Act are required to defray certain charges and expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1972, and for other purposes connected with the public service; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1.—(1) There may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$4,872,585,000 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1971, to the 31st day of March, 1972, as set forth in the Schedule to this Act, and, subject to subsection 2, such sum shall be paid and applied only in accordance with the votes and items of the estimates upon which the Schedule is based. ^{\$4,872,585,000 granted for fiscal year 1971-72}

(2) Where, in the fiscal year ending the 31st day of March, 1972, powers and duties are assigned and transferred from one minister of the Crown to another minister of the Crown, the appropriate sums in the votes and items of the estimates upon which the Schedule is based that are approved to defray the charges and expenses of the public service in the exercise and performance of such powers and duties, may be assigned and transferred from time to time as required by certificate ^{Exception}

of

of the Treasury Board to the department administered by the minister to whom the powers and duties are so assigned and transferred.

Accounting
for
Expenditure

2. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Supply Act, 1971*.

SCHEDULE

Department of Agriculture and Food	\$ 77,500,000
Department of Civil Service	3,229,000
Department of Correctional Services	57,875,000
Department of Education	1,328,349,000
Department of Energy and Resources Management	98,646,000
Department of Financial and Commercial Affairs	5,872,000
Department of Health	989,552,000
Department of Highways (Department of Transportation and Communications)	542,656,000
Department of Justice	131,293,500
Department of Labour	25,885,000
Department of Lands and Forests	77,803,000
Office of the Lieutenant Governor	40,000
Department of Mines and Northern Affairs	12,458,000
Department of Municipal Affairs	313,810,000
Department of the Prime Minister	664,000
Office of the Provincial Auditor	1,162,500
Department of Provincial Secretary and Citizenship	10,949,000
Department of Public Works	115,522,000
Department of Revenue	13,874,000
Department of Social and Family Services	354,946,000
Department of Tourism and Information	15,295,000
Department of Trade and Development	198,642,000
Department of Transport (Department of Transportation and Communications)	18,533,000
Department of Treasury and Economics	30,509,000
Treasury Board	3,692,000
Department of University Affairs	443,828,000
	<hr/>
	\$4,872,585,000
	<hr/>

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20 Elizabeth II, 1971

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PART II

Showing the Regulations contained in Revised Regulations of Ontario, 1970 and the Regulations filed after the 31st day of December, 1970 and before the 23rd day of October, 1971 that have been revoked, are revoking only or have expired, and their disposition.

R.R.O. 1970 Regulations	Disposition	R.R.O. 1970 Regulations	Disposition
27	Rev. 371/71	482	Rev. 106/71
91	Rev. 21/71	519	Rev. 318/71
116	Rev. 224/71	542	Rev. 219/71
117	Rev. 108/71	664	Rev. 68/71
124	Rev. 37/71	665	Rev. 69/71
164	Rev. 397/71	716	Rev. 113/71
197	Rev. 392/71	731	Rev. 293/71
209	Rev. 205/71	773	Rev. 368/71
222	Rev. 190/71	783	Rev. 243/71
237	Rev. 197/71	805	Rev. 376/71
299	Rev. 430/71	818	Rev. 98/71
376	Rev. 181/71	833	Rev. 6/71
448	Rev. 367/71		



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